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ILLINOIS LIQUOR CONTROL COMMISSION

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ILCC Legislative Bulletin – Public Act 101-0668 (Senate Bill 54)

Public Act 101-0668 (Senate Bill 54) becomes effective on January 1, 2022, and amends Section 5/5-1(d) of the Illinois Liquor Control Act (“Act”) affecting retailer licensing shipping and delivery privileges.

Section 5/5-1(d) has been amended as follows:

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act ~~Nothing in Public Act 95-634 shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. For the purposes of this Section, "shipping" means the movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to deliver alcoholic liquor to the purchaser for use or consumption. The delivery shall be made only within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery. For the purposes of this Section, "delivery" means the movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:~~

(1) delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;

(2) delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or

(3) delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors. Under subsection (1), (2), or (3), delivery shall not include the use of common carriers.

Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Except for a municipality with a population of more than 1,000,000 inhabitants, a home rule unit may not regulate the delivery of alcoholic liquor inconsistent with this subsection. This paragraph is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

Retailer Shipping

- If a retailer uses a common carrier to transport alcoholic liquor to a consumer, it conducts “shipping.” A common carrier is a transportation company offering its services to the general public, like FedEx or UPS. It is not a private transportation company.
- A retailer or its third-party shipping agent may ship alcoholic liquor if the State Commission has designated the retailer as an off-premises consumption or a combined (off-premises/on-premises) retailer.
- A retailer and its third-party shipping agent may ship alcoholic liquor if the local liquor control commission or local ordinance has authorized the retailer to ship alcoholic liquor.
- The retailer and its third-party shipping agent shall abide by all requirements of Sections 6-16, 6-29, and 6-29.1 of the Act which include but are not limited to:
 - All packages containing alcoholic liquor must be clearly labeled "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY." This warning must be prominently displayed on the packaging.
 - A retailer shall require the transporter or common carrier that ships the package to obtain the signature of a person 21 years of age or older at the shipping address.
 - At the expense of the retailer, the retailer shall receive a shipping confirmation from the common carrier indicating the location of the shipment, time of shipment, and the name and signature of the individual 21 years of age or older who accepts shipment.
- The retailer and its third-party agent shall abide by all local, state, and federal shipping laws, including but not limited to the alcohol beverage shipping laws of other states.
 - It is important to verify that local ordinances do not prohibit shipment of alcoholic liquor into municipal jurisdictions.
 - All states prohibit the shipment of alcoholic liquor into each state without a license. Some states permit a retailer to obtain a license to ship into that state. It is important to know other states’ alcohol beverage laws before conducting shipping into other states. Illegal shipping into other states could jeopardize your Illinois retail license.
- A RETAILER SHALL BE LIABLE FOR THE SHIPPING VIOLATIONS OF A THIRD-PARTY COMMON CARRIER.
- No other license holder is authorized to ship alcoholic liquor directly to consumers except a winery shipper’s license holder.
- All alcoholic liquor shipped by retailers be in the original product package.

Retailer Delivery

- A retailer conducts an alcoholic liquor delivery if:
 - The retailer transports alcoholic liquor to a consumer in a retailer parking lot or at retailer curbside;
OR
 - The retailer transports alcoholic liquor to a consumer by way of “an owner, officer, director, shareholder, or employee of the licensed retailer;” OR

- The retailer delivers alcoholic liquor through “a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors.” This may include delivery companies specializing in food/beverage deliveries but does not include common carriers.
- Delivery to the consumer must occur no later than 12 hours from the time the products leave the retailer.
- A retailer and its third-party delivery agent may deliver alcoholic liquor if the State Commission has designated the retailer as an off-premises consumption or as a combined (off-premises/on-premises) license holder.
- The retailer and its third-party delivery agent shall abide by all requirements of Sections 6-16, 6-29, and 6-29.1 of the Act which include but are not limited to:
 - All packages containing alcoholic liquor must be clearly labeled "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY." This warning must be prominently displayed on the packages.
 - A retailer shall require the transporter that delivers the package to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery.
 - At the expense of the retailer, the retailer shall receive a delivery confirmation from the third-party delivery company indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery.
- The retailer and its third-party agents shall abide by all local, state, and federal delivery laws, including but not limited to the alcohol beverage delivery laws of other states.
- All states prohibit the delivery of alcoholic liquor into each state without a license. Some states permit a retailer to obtain a license to deliver into that state. It is important to know other states’ alcohol beverage laws before conducting delivery into other states. Illegal delivery into another state could jeopardize your Illinois retail license.
- A RETAILER SHALL BE LIABLE FOR THE DELIVERY VIOLATIONS OF A THIRD-PARTY DELIVERY AGENT.
- No other licensee is authorized to deliver alcoholic liquor off premises to the consumer.
- All alcoholic liquor deliveries shall be in the original package unless the alcoholic liquor is delivered pursuant to 235 ILCS 5/6-28.8 (Cocktails to Go) as explained [here](#).
- Deliveries in the original package pursuant to this bulletin are not deliveries pursuant to 235 ILCS 5/6-28.8 (Cocktails to Go) and, subject to local ordinance, such deliveries may be made by a person 18 years old and over.