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Changes to Return Allowances for Special Use Permit Licenses and Caterer Retailer Licenses

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To: All Illinois Caterer Retailers Licensees, Special Use Permit Licensees, Special Event Retailers, and Distributors

Public Act 101-0016, effective June 14, 2019, amends the Liquor Control Act of 1934, 235 ILCS 5/5-1(p), and (q), regarding the return of unused, salable *beer*. The new law permits a distributor to offer credit or a refund to the holder of a Special Use Permit or a Caterer Retailer, under certain circumstances. Nothing in PA 101-0016 prohibits product returns which are authorized pursuant to 11 Ill. Admin Code 100.245. PA 101-0016 permits Illinois distributors to make deliveries directly to the off-site locations utilized by Special Use Permit licensees and Caterer Retailer licensees. *PA 101-0016 does not permit the return of wine or spirits.*

Q: I am an Illinois licensee who has obtained a Special Use Permit. Am I allowed to return unused, salable beer that was purchased from a distributor for a refund or for credit on my account?

A: Yes. However, the return of product would be limited to product which was delivered directly to the off-site location and not product delivered to your primary location.

Q: I am an Illinois Caterer Retailer's licensee. A recently booked event only used three of the five kegs that they ordered. Am I allowed to return that product to my distributor for a refund or for credit on my account?

A: No. PA 101-0016, only permits a Caterer Retailer to return product when the off-site event is an outdoor event which was cancelled solely due to an "Act of God."

Q: I am an Illinois Special Event Retailer. Due to inclement weather during our event, we have a lot of unused product. Are we able to return this product?

A: Yes. PA 101-0016 does not change what a Special Event Retailer can return. You are allowed to return unused, salable beer to your distributor(s) for a refund or credit on your account.

Please consult PA 101-0016 for more specific details. The full text can be found at <http://ilga.gov/legislation/publicacts/101/PDF/101-0016.pdf>.