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Illinois Liquor Control Commission

COVID-19 Compliance

Frequently Asked Questions

Updated January 20, 2021

Q. May bars and restaurants allow indoor eating or drinking in **Tier 2 or Tier 3 Mitigation Areas**?

A. No

- No indoor service
- All bars and restaurants close at 11pm and may reopen no earlier than 6am the following day.
- All bar and restaurant patrons should be seated at tables outside
- No ordering, seating, or congregating at bar (bar stools should be removed)
- Tables should be 6 feet apart
- No standing or congregating indoors or outdoors while waiting for a table or exiting
- No dancing or standing indoors
- No tables exceeding 6 people
- Reservations required for each party
- No seating of multiple parties at one table
- Includes private clubs and country clubs

Q. May bars and restaurants allow indoor eating and drinking in **Tier 1 Mitigation Areas**?

A. Yes.

- Indoor service limited to the lesser of 25 guests or 25% capacity per room
- Establishments offering indoor service must serve food
- All bars and restaurants close at 11pm and may reopen no earlier than 6am the following day
- Indoor service reservations limited to 2-hour maximum duration and maximum 4 persons per party (dining only with members of the same household recommended)
- All bar and restaurant patrons should be seated at tables
- No ordering, seating, or congregating at bar (bar stools should be removed)
- Tables should be 6 feet apart
- No standing or congregating indoors or outdoors while waiting for a table or exiting
- No dancing or standing indoors
- Reservations required for each party
- No seating of multiple parties at one table
- Includes private clubs and country clubs

Q. May bars and restaurants allow indoor eating and drinking **Phase 4 Areas**?

A. Yes. Requirements are as follows:

1. *[Seated areas]* Area capacity should be determined by arranging seating to provide a minimum of six feet between tables or other designated patron service areas.

2. *[Standing areas]* Maximum occupancy of 25% of standing area capacity.
3. 10-person party limit.
4. Configure space to allow for at least 6-ft. of distance between tables or other designated patron service areas; if tables/ booths cannot be moved, employers should only use every other table/ booth to allow for separation between patrons of unrelated parties.
 - i. Bar seating should be spaced 6-ft apart to maintain social distancing between patrons of unrelated parties.
 - ii. *[Booths only]* Employers may use consecutive booths to serve patrons of unrelated parties only if employer installs an impermeable barrier with a height of 6-ft or greater from the floor between booths. Use of barriers should not impede entry/ exit or impose a fire risk. Use of plexiglass is a best practice.
5. To the extent possible, patrons should wait for services off premises, either outdoors and maintaining social distance of 6-ft with use of recommended face coverings or in their vehicles. Patrons can wait in waiting area but should adhere to 6-ft distancing guidelines.
6. Live music is permitted but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged; additional guidelines for performers can be found in the [Theaters and Performing Arts guidelines](#).

Note: Patrons should wear face coverings over their nose and mouth when approached and serviced by establishment employees, including but not limited to when employees take patron orders, deliver food and beverages, and service tables, whether dining indoor or outdoor.

Q. Where can I find an overview of the requirements for Tiers 1-3 Mitigations?

A. <https://dceoresources-ss-assets.s3.us-east-2.amazonaws.com/public/Restore-Illinois/IL-Resurgence-Mitigation-Plan.pdf>

Q. What are the requirements for restaurant and bar operations in Phase 4 areas?

Other relevant links:

Indoor and Outdoor Restaurant/Bar Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>

Indoor and Outdoor Restaurant/Bar Phase 4 Guidelines:

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>

Q. Q. Where can I find other necessary information on Restore Illinois Phase 4 reopening procedures?

A. The Illinois Department of Commerce and Economic Opportunity (hereafter "DCEO") website for Phase 4 Guidelines for Reopening. <https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/>

Meetings and Social Event Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/meetings-and-social-events/>

DCEO Meetings and Social Event Phase 4 Guidelines

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>

DCEO Retailer Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/retail/>

Q. Where can I find more information about Mitigations and Phase 4 of the Restore Illinois Plan?

A. The Illinois Department of Commerce and Economic Opportunity (hereafter "DCEO") Frequently Asked Questions document is regularly updated:

<https://www2.illinois.gov/dceo/Documents/Tier%203%20Mitigation%20FAQ.pdf>

Q. What is considered "outdoor dining"?

A. A dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:

1. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
2. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
3. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
4. Any other outdoor dining and drinking areas authorized by local governments provided that food and drinks are prepared by licensed food or liquor establishments and that proper social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer

Q. Is an outdoor structure such as a dome, tent, or igloo permitted as "outdoor dining" under the guidance?

A. Yes. Below outlines the guidance for outdoor dining structures and businesses should consult the Illinois Fire Marshal and local fire department for specific guidance on Fire Codes for these structures:

Tents and Other Outdoor Structures for Multiple Tables/Separate Dining Groups. Provided they comply with all required municipal and/or local liquor commission restrictions and approvals, temporary outdoor structures, including tents, are permissible if they comply with the following requirements:

- Temporary outdoor structures must have at least two of the sides open to provide adequate air flow;
- Patrons inside a temporary outdoor structure must be seated, and tables must be spaced a minimum of six feet apart;
- All structural materials should have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible;
- Restaurants will need inclement weather plans in writing and trained staff to prevent any injuries in storms, snow, or other unsafe situations Tents or Domes/Igloos for Single Table Dining Groups
- Single party only (subject to mitigation restrictions on dining party size);
- The structure must maintain air circulation at all times, for example via an open door, two opposing window/side openings or an open roof panel or panels. Interactions with waitstaff should be brief and all parties must have masks on during these exchanges.
- Sanitize the chairs and table after each use; and
- Servers and other waitstaff to minimize their time in the structure, including instituting measures such as a QR Code menu.

Heating Devices Businesses should consult with local municipalities and ensure compliance with local and state fire codes to determine if heating devices are permitted within a temporary outdoor structure, and if so, how to operate the device within the structure. Assuming the heating device is permitted, establishments should follow these additional safety considerations to ensure responsible operations:

- Outdoor spaces with heating devices must keep devices away from combustible materials, such as tents, at all times
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces

Q. Can bars and restaurants allow walk-in patrons for outdoor dining?

A. Bars and restaurants should take reservations for all parties for outdoor dining for contact tracing purposes. However, bars and restaurants can accept walk-ins provided they record the contact information of at least one person in the party – this is considered a walk-up reservation. Bars and restaurants are required to utilize a reservation system for patrons.

Q. How long should the business retain the reservation record?

A. The state recommends businesses maintain a copy of the reservation list for a minimum of 28 days. This will enable the business and state/local health officials to contact the patrons in the event of exposure to COVID-19.

Q. Do the mitigation measures impact drive-thru, take-out or delivery for restaurants?

A. No. Mitigations do not restrict take-out, drive-thru, or delivery options for restaurants.

Q. Can bars and restaurants in mitigation areas serve food and beverages indoors in conjunction with a meeting or special event?

A. Tier 2-3 Mitigation Areas – No

Tier 1 Mitigation Areas – Limited to lesser of 25% or 25 persons per room.

Phase 4 Areas – Limited to lesser of 50% or 50 persons per room.

Q. In Tier 1-3 Mitigation Areas (outdoors only on Tier 2 and Tier 3 Areas) do bars and restaurants need to stop accepting customers at 11:00 p.m., or do they have to clear the premises by 11:00 p.m.?

A. All patrons must be off the premises by 11:00 p.m. and may reopen at 6:00 a.m. or later. Drive-thru, carry out, and delivery service is still permitted after 11:00 p.m., but customers must depart after obtaining their food and there should not be congregation of customers outside of the restaurant after closure time.

Q. Can restaurants and cafeterias within airports, hospitals, and college dining halls continue to provide indoor dining and exempt from mitigation measures?

A. Yes. From the beginning of the emergency declaration to respond to COVID-19, executive order 2020-07 provided that businesses located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of this Executive Order. For purposes of ensuring that individuals can eat a meal with no alternatives provided in these venues for eating, they are not subject to the mitigation measures imposed in regions. Patrons must follow the restaurant and bar guidelines in the establishment, including wearing

masks when waitstaff approach and when they are not eating or drinking at a table.

Q. Are meetings and events still permissible, even at a reduced capacity?

A. Tier 2-3 Mitigation Areas – No

Tier 1 Mitigation Areas – Limited to lesser of 25% or 25 persons per room.

Phase 4 Areas – Limited to lesser of 50% or 50 persons per room.

Q. Do the store employees count towards the capacity restrictions?

A. No

Q. Are special events permitted during Phase 4 and Mitigation Areas?

A. Generally, special events are not permitted but some outdoor events will be reviewed on a case by case basis to determine if they are in accordance with DCEO guidelines.

Q. Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?

A. No – Tier 2 and 3 Mitigation Areas

Yes- Tier 1 Mitigation Areas and Phase 4 areas under requirements for Retail and Bar/Restaurant businesses. Masks may only be removed for the limited purpose of tasting the product in Retail businesses.

Q. May a Local Liquor Control Commission extend or designate a licensed premise to include a contiguous or adjacent public sidewalk, beer garden, patio, public street, private parking lot, or other similar outdoor area not previously licensed?

A. Yes, a Local Liquor Control Commission may extend or designate a licensed premise to include a contiguous public sidewalk, beer garden, patio, adjacent public street, private parking lot, or other similar outdoor area not previously licensed or customarily designated for eating and drinking. **If the local liquor control commission DOES NOT require additional licensing, there is no requirement for the licensee to file a State Special Use Permit application to extend the licensed address.**

Q. In what situation would a licensee be required to file an Illinois Liquor Control Commission Special Use Permit for outdoor privileges?

1. If the Local Liquor Control Commission requires additional local licensing or permitting for a previously unlicensed adjacent public street, private parking lot, or similar unlicensed area, **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application.**

2. If a Local Liquor Control Commission issues a temporary local license or permit which designates an outdoor dining and/or drinking area to include a non-contiguous and non-adjacent location with a substantially different address (from the currently licensed location), **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application**

NOTE: The issuance of a Special Use Permit (or, if necessary, a Not-for-Profit Special Event license) is solely for the purpose of “dining and drinking.” Local Liquor Control Commissions should not extend or designate licensed areas for the purposes of a street fair, summer festival or similar event involving a high concentration of event attendees.

Q. How do I apply for and what are the requirements for a Special Use Permit license?

- A. In order to qualify for a Special Use Permit liquor license, the licensee shall:
- Complete and submit Special Use Permit application:
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Special%20Use%20Permit.pdf>
 - Obtain and submit evidence of local approval (e.g. special license, letter from the local liquor control commissioner authorizing special use location);
 - Obtain and submit certificate of insurance for liquor liability for the special use premises. Insured location must include specific special use location.

Application/Document Submission Instructions

- **Deferring Payment/No Prior Application** – If the applicant chooses to defer the Special Use Permit fee OR has not previously filed a Special Use Permit application, the applicant shall email the application and document attachments to LCC.Licensing@illinois.gov.
Payment for a 1-day Special Use Permit is \$100.00. Payment for 2 or more days is \$150.
Payment in the above amount shall be made by check through the mail on or before 12/31/2020 to Illinois Liquor Control Commission, 100 W. Randolph St., Suite 7-801, Chicago, IL 60601 or 300 W. Jefferson, Suite 300, Springfield, IL 62702. **REFERENCE your State Liquor License Number (ex. 1A-XXXXXX) and/or your licensed business address OR attach a copy of your Special Use Permit Application.**
 - **Immediate Processing with No Payment Deferral** - If the Special Use Permit applicant does not choose to defer the license fee payment until 12/31/2020, the Applicant may apply for the Permit online in MyTaxIllinois.gov. (Option only available for licensees who have previously obtained a Special Use Permit).
- Q. A Special Use Permit is limited to a maximum of 15 days per location per year. May a Special Use Permit issued under Phase 4 of the Restore Illinois Plan or during mitigation periods be extended?
- A. For any Special Use Permit issued for outdoor dining and/or drinking pursuant to Phases of the Restore Illinois Plan or during mitigation periods, the fifteen day limit on Special Use Permits is waived until 15 days after the first day of Phase 5 of the Restore Illinois Plan OR the last special use day authorized by the Local Liquor Control Commission, whichever is first. Special Use Permit holders must cease outdoor dining and/or drinking activity no later than the first of the above cited days. To extend a Special Use:
- **Complete and submit a Change of License Information application:**
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Change%20of%20License%20Information%20Application.pdf>
 - **Attach local approval reflecting the updated dates and times**
 - **Attach a copy of your certificate of insurance reflecting the updated dates and times**
- Q. What is the best way for a local liquor control commission to extend or designate the outdoor dining and/or drinking area?
- A. A local liquor control commission may require a local licensee to submit any documentation necessary to extend or designate an outdoor dining and/or drinking area. It is highly recommended that the local liquor control commission:
1. Review and affirmatively approve (if decided) all extended or designated outdoor dining and/or drinking areas.
 2. Require licensees to submit a site plan and floor plan clearly designating the borders of the extended or designated outdoor dining and/or drinking area.
 3. Require the licensee to post the site plan and floor plan on the extended or designated outdoor dining and/or drinking area.

4. Require licensees to erect physical barriers like stanchions or temporary fencing around the perimeter of the extended or designated outdoor dining and/or drinking area.
 6. Communicate in writing to the licensee that the extended or designated outdoor dining and/or drinking area is temporary and has a specific termination date (e.g. at the conclusion of Phase 3 or Phase 4 of the Restore Illinois Plan).
 7. Any other necessary requirements, conditions, and restrictions.
- Q. I am not licensed to conduct on-premises sales (packaged only). May I offer outdoor dining and/or drinking pursuant to Phase 4 of the Restore Illinois Plan or during the mitigation periods?
- A. Outdoor dining and/or drinking is authorized only for license holders with the authority to conduct on – premises sales and service of alcoholic liquor. No license holders with packaged sales only authorization is permitted to conduct outdoor dining and/or drinking.
- Q. How may I serve food and beverages outdoor if my business does not have access to an outdoor seating area?
- A. Please consult your local liquor control commission to determine if any outdoor food and beverage consumption area could be authorized for your establishment.
- Q. If the local liquor control commission authorizes my licensed business to allow on-premises consumption of food and beverages without restrictions or contrary to the Phase 4 restaurant/bar requirements or Mitigation requirements, may I permit such activity?
- A. No, Phase 4 of the Restore Illinois Plan and Mitigation requirements place restrictions on indoor/outdoor food and beverage consumption (indoor prohibited during Tier 2 and 3 Mitigation periods) across the State which local law cannot override.
- Q. Can patrons who purchase pick up meals eat these meals on patios, decks or other area's on licensee's property?
- A. Yes, if conducted according to the Phase 4 Restore Illinois Plan or mitigation requirements.
- Q. How may golf courses sell food and beverages?
- A. See this link for instructions: [golf.pdf \(dceocovid19resources.com\)](https://dceocovid19resources.com/golf.pdf)
- Q. Can growlers and crowlers be sold curbside, via drive through or via home delivery?
- A. On-premises retailers and beer manufacturers that are currently authorized to sell growlers may continue to do so pursuant to the conditions set forth in 235 ILCS 5/6-6.5 and temporary delivery guidance bulletins.
- Q. Can a business licensed to conduct retail sales **on the premises only**, sell beer, wine and spirits in the original package over the counter, for curbside pickup, for drive-through service, or for home delivery?
- A. Yes. Subject to local liquor commission authority and on a temporary basis, all on-premises only retailers may sell and deliver alcoholic liquor in the original package over the counter, for curbside pickup, for drive-through service, and for home delivery (by retailer or 3rd party home delivery service). (Businesses licensed to manufacture alcoholic liquor are temporarily authorized to deliver alcoholic liquor in the original package).
- Q. How may “to go” mixed drinks and cocktails be sold and delivered?
- A. Only on-premises retailer licensees (1A licensees) may sell and deliver cocktails to go and only under

the conditions set forth in the bulletin titled: "Sales and Delivery of 'To Go' Mixed Drinks or Cocktails" dated June 2, 2020 and 235 ILCS 5/6-28.8. A retailer licensee may not sell and deliver "to go" mixed drinks or cocktails by way of a drive-through or through a 3rd party home delivery service.

Q. How are grocery stores affected?

A. Grocery stores are not permitted to sell alcoholic liquor for on-premises consumption unless they are licensed for on-premises consumption. If they are licensed for on-premises consumption, grocery stores shall follow the Phase 4 and mitigation requirements for bars/restaurants. Grocery stores may continue to sell alcoholic liquor for consumption off-premise under the retailer business guidelines.

Q. May a hotel/motel with a liquor license continue to sell food and beverages via hotel restaurant, room service, mini- bar or to go?

A. Yes. Hotel restaurants may provide indoor room service and to go service and outdoor food and beverage consumption at licensed establishments per the Phase 4 and mitigation restaurant/bar guidelines.

Q. May a retailer return beer, wine or spirits to a licensed distributor?

A. A retailer shall not return beer, wine, and spirits to a distributor unless under expressly authorized by the Illinois Liquor Control Act (235 ILCS 5/6- 5.5) and under the guidelines of the following bulletin:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/COVID.alcoholic.liquor.returns.octnov.pdf>

Q. May a brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub or distilling pub conduct curbside delivery or home delivery?

A. Under special temporary circumstances related to the COVID-19 outbreak, alcoholic liquor manufacturers, brew pubs and distiller pubs may deliver alcoholic liquor in the original package if the licensee holds a local retail liquor license and if the local liquor control commission authorizes delivery sales. These license holders are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias). If the manufacturer does not hold a local retail license, it is not authorized to conduct retail sales of alcoholic liquor in any form. Local deliveries only are permitted. Shipments by way of a common carrier are not authorized.

Q. Can an on-premises liquor license holder allow customers into a premise for video gaming?

A. No – In Tier 3 Mitigation areas.

Yes – In Tier 1-2 Mitigation and Phase 4 mitigation areas Phase 4 rules from Illinois Gaming Board.

<https://www.igb.illinois.gov/>

Q. Which agencies or law enforcement entities will be enforcing all the new restrictions?

A. State and local law enforcement along with local health departments and the Illinois Department of Public Health.

Furthermore, by law, if the Local Liquor Control Commissioner "has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community," the Commissioner may suspend the local license. Please see the following linked bulletin for further details:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/Local%20Liquor%20Commissioner%20Summary%20Closure%20Authority%20%28Updated%2011-25-20%29.pdf>

Q. My license has expired or will expire in the upcoming months. Am I required to renew my license?

A. See renewal guidance below:

Extension of License Renewal Dates

Liquor licenses expire on the last day of each month. Due to the hardships on liquor license holders as a result of the recent COVID-19 mitigation actions, the Illinois Liquor Control Commission extends the renewal dates of State liquor licenses and defers the collection of license renewal fees in the following manner:

Liquor License Renewals

- 1. All licenses with a renewal date of March 31, 2020 or after are automatically extended to March 31, 2021** (This action supersedes the Commission's prior license extension action through December 31, 2020).
2. No late fees will be charged until after April 01, 2021.
3. License renewal fees are due at time of renewal. This extension does not change the fee for renewal nor prorate any fees paid for renewal of a license, nor change the future renewal date of a license.
4. License fees are not refundable.

IMPORTANT: License holders do not have to wait to renew licenses. If a license holder chooses to renew a license when it originally expires or at any time between original license expiration and March 31, 2021, the license holder may renew a license online at [MyTax.Illinois.gov](https://mytax.illinois.gov). License holders are encouraged to renew licenses prior to March 31, 2021 in order to avoid administrative delays at the end of the first quarter of 2021. Do not wait until the day of license expiration to renew your license. If licenses expire due to administrative delays, there will be no further extensions granted.

IMPORTANT: License holders may not receive an additional notice to renew licenses. Even if license holders do not receive an additional renewal notice, all license holders are required to renew licenses and pay license fees no later than March 31, 2021.

NOTE 1: The dates cited above are subject to be extended if Executive Orders extend the prohibition on indoor dining and drinking.

NOTE 2: **Licensees Conducting Retail Sales** – For all licensees that sell at retail, provide proof of a local liquor license (in addition to other required documents). Proof of the local license can be:

- A copy of the current unexpired license OR
- A copy of the written authorization of the local liquor control commission to extend the local license expiration date.

Q: Can we accept an expired driver's license or an identification card as proof of age when making a sale?

A: The Illinois Secretary of State has extended the expiration of all State of Illinois Drivers Licenses and ID Cards until June 1, 2021. This applies to licenses and IDs that expired beginning in March 2020. Accordingly, you may accept a State of Illinois driver's license or ID card which has expired between March 2020 and June 1, 2021 (or if the Secretary of State extends it longer). However, you may not accept licenses issued by other states or governmental entities that have expired. More information can be found from the Secretary of State, at <https://www.cyberdriveillinois.com/news/2021/january/210104d1.pdf>.

Q. Do I still need to pay the debt I owe to a distributor?

A. Yes. State law does not forgive the debt owed by a retailer to a distributor. Please see the following bulletin related to retailer payments to wine and spirits distributors:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/COVID19.delinquency.resumption.reminder.3.pdf>

Q. If I owe a debt to a distributor, does the distributor have to extend credit for a wine and spirits order?

A. No. A distributor may choose to sell wine and spirits to a retailer "cash on delivery" (cash or cash equivalent

like a check). If a distributor chooses to extend credit to a retailer, it shall be required to extend credit to all similarly situated retailers. Distributor criteria for extending credit to a delinquent retailer shall not be based on the volume of business transactions between distributor and retailer.

- Q. If I have an active state liquor license but my business is closed or I conduct sales and delivery for off-premises consumption only, do I still need to maintain liquor liability/dramshop coverage?
- A. The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for **closed businesses or businesses conducting off-premises sales and delivery only**. Businesses SHALL NOT sell alcoholic liquor for consumption in any indoor or outdoor area of the premises without maintaining active liquor liability/dramshop coverage. Businesses that re-open for indoor/outdoor alcohol beverage consumption in Phase 4 of the Restore Illinois Plan without active liquor liability/dramshop coverage will be prosecuted.

IMPORTANT: License holders must check with the local commissioner and local ordinances to verify that local laws do not require continued insurance coverage for closed businesses or businesses conducting sales and delivery for off-premises consumption only.