

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

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AUTHORITY: Implementing and authorized by Section 3-12(a)(2) of the Liquor Control Act of 1934 [235 ILCS 5].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8687, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13609, effective October 28, 1999; amended at 25 Ill. Reg. 13596, effective October 15, 2001; amended at 26 Ill. Reg. 17966, effective December 9, 2002; amended at 27 Ill. Reg. 17386, effective November 10, 2003; amended at 39 Ill. Reg. 4433, effective March 12, 2015; amended at 39 Ill. Reg. 10386, effective July 10, 2015; amended at 42 Ill. Reg. 22577, effective November 29, 2018; amended at 44 Ill. Reg. 16811, effective September 29, 2020; emergency amendment at 47 Ill. Reg. 8032, effective May 25, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. 14117, effective

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Section 100.10 Definitions

The following words or phrases are defined as follows:

"Act" means the Liquor Control Act of 1934 [235 ILCS 5].

"Airplane" shall be deemed to include railroads and airplanes.

"Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage. [235 ILCS 5/1-3.05]

"Commission" means Illinois Liquor Control Commission.

"Co-branded alcoholic beverage" means any alcoholic liquor containing the same or similar brand name, logo, or packaging as a non-alcoholic beverage.

"Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.

"Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a limited liability company as defined in this Section.

"Department" means the Illinois Department of Revenue.

"Event" means a single theme.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side. "Immediately adjacent" does not include a separate aisle.

"Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

"Manager" or "Agent" means any individual employed by any licensed place of business, provided the individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form

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and manner as the Commission shall from time to time prescribe.

"Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for themselves or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors. "Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever. [235 ILCS 5/1-3.08]

"Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

"Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

"Partner" is any individual who is a member of a co-partnership.

"Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, and executors, administrators or other personal representatives of decedents.

"Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

"Resident" means any person (other than a corporation) who has resided, and maintained a bona fide residence, in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.

"Retail sales floor" means the part of a retailer's premises that contains goods on display that are freely accessible to the consumer.

"Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee who primarily serves meals, as described in this Section.

"Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part of the

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presentation. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits $\frac{1}{4}$ oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.

"Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, vegetables or honey, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, provided that the alcoholic content does not exceed 24 per cent of alcohol by volume. [235 ILCS 5/1-3.03]

(Source: Amended at 47 Ill. Reg. 14117, effective SEP 21 2023)

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Section 100.490 Co-branded Alcoholic Beverages, Product Adjacency Prohibited

- a) No retail establishment with a retail sales floor that exceeds 2,500 square feet shall display co-branded alcoholic beverages immediately adjacent to soft drinks, fruit juices, bottled water, candy, or snack foods if such snack foods portray cartoons or youth-oriented images.
- b) Any retail establishment with a retail sales floor that is equal to or less than 2,500 square feet shall either:
 - 1) not display co-branded alcoholic beverages immediately adjacent to soft drinks, fruit juices, bottled water, candy, or snack foods if such snack foods portray cartoons or youth-oriented images; or
 - 2) equip any such display that contains co-branded alcoholic beverages and is immediately adjacent to soft drinks, fruit juices, bottled water, candy, or snack foods if such snack foods portray cartoons or youth-oriented images with signage that is clearly visible to consumers, is not less than 8.5 x 11 inches, and states the following: "THIS PRODUCT IS AN ALCOHOLIC BEVERAGE AVAILABLE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE OR OLDER." This sign shall be provided by the Commission.
- c) Subsections (a) and (b) of this Section do not apply to a shelf, aisle, display or display area in which the primary items for sale are alcoholic liquors or in an area in which persons under the age of 21 are prohibited from entering without a parent or legal guardian.

(Source: Added at 47 Ill. Reg. 14117, effective SEP 21 2023)

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