



ILCC

NEWSLETTER

Second Quarter 2023

Message from the Executive Director, Lisa Gardner



Summer brought a more positive outlook for Illinois but not without a few challenges in Illinois. While COVID-19 is no longer considered a global health emergency, Illinois experienced poor air quality, extremely high temperatures, severe droughts, intense tornados, all causing widespread damage and calamities. However, despite Mother Nature's on-going temperamental behavior, likely caused by global warming, Illinoisans are still managed to enjoy the summer. New retailer applications, Special event licenses and special use permits have increased to their highest numbers in three years, which is great news for Illinois businesses and the hospitality industry. While the retail

renewal fee waiver ended, the Illinois Liquor Control Commission ("ILCC") is happy that we can do our part to support them.

With regular webinars, podcasts, and other public outreach campaigns, the ILCC remains committed to providing the educational information necessary to help our licensees and consumers remain educated and compliant.

Further, we are continuing our on-going efforts to protect the Illinois public from potentially confusing, co-branded alcoholic products. The ILCC filed an Emergency and Permanent Rule which prohibits co-branded alcoholic beverages from being placed on shelves adjacent to non-alcoholic beverages of the same brand or products marketed to children. Smaller retailers may put up clear signage as an alternative to complying with the product adjacency requirement. In addition to minimizing product confusion, our goal is also to prevent alcohol marketing toward children and minors.

The Illinois public is officially back outside, and the ILCC wants to continue to ensure that consumers and retailers are aware of the regulations in place to keep everyone safe while enjoying all that Illinois has to offer. We at the ILCC are happy that there are increased special events and new businesses opening throughout the State, and while we want everyone to enjoy the special events and new establishments, we want to ensure they are doing so safely and responsibly.

Lisa Gardner
Executive Director

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Illinois Liquor Control Commission

Acknowledging Stress



A parent under stress at work yells at their child at home during dinner. The child becomes closed-off and depressed. The next morning, the child throws a tantrum as they are getting dressed for school, causing the parent to be late for work. The stressed parent snaps at a co-worker because they are overwhelmed, leading to them being disciplined in the workplace. The parent returns home and indirectly blames the child. The child smashes

the parent's cellphone, and the parent misses a call from the office. Both the parent and child become more aggressive. "Parents who experience more pressure at work feel more overloaded in general and are more prone to arguing with their children," explains Ann Crouter, Ph.D., a professor of human development at Penn State University. This is a cycle of an unending story that involves abnormal behavior, but when left untreated, it becomes normal behavior for both the parent and the child. This is a form of stress. Stress is the physical, emotional, cognitive, and behavioral response to events that are perceived as threatening or challenging. These types of events cause stress within our normal daily lives. These stressors ignite pressure and frustration that can cause an entire household to become aggressive.

People who remain in stressful jobs out of fear of losing their pension or not being able to find work to support their families feel trapped. Toxic environments can take a severe emotional toll on an employee and their family. Stress is a form of anxiety, which is a normal component of our everyday lives. Stress results from frustration, anger, or anxiousness over a particular situation. Usually, stress is caused by something we feel we have no control over. Both stress and anxiety are very personal experiences; what is stressful for one person may not be for another. Acknowledging stressful situations starts with self-awareness. Being mindful of self-knowledge and self-awareness. Self-knowledge is understanding our own emotional state, personality traits, relationships, and behavioral patterns. Knowing ourselves enhances our ability to live coherent and fulfilling lives. Self-awareness requires a clear perception of our mental and emotional states. We owe it to ourselves to become more self-aware of our thoughts and actions. Self-awareness isn't only about how we see ourselves but also about how others see us. When we experience a mental and emotional change in our behavior accompanied by an increased heart rate, sweating, and a feeling of anxiousness, it's due to a stressful situation. This can lead to aggression that could be contagious and spread through our home as well as our work environment. "Care for your psyche... know thyself, for once we know ourselves, we may learn how to care for ourselves." —Socrates

Once we can acknowledge our stressors, in most cases, it leaves an imprint on our mental perception that prepares us to handle similar stress the next time better because of our self-knowledge and self-awareness – lessons learned. Acknowledging stress helps us to deal with unforeseen situations at work and creates a healthier home environment. Managing stress is often difficult, so don't be afraid to ask for help by contacting a Life Coach, Counselor, or Therapist for assistance.

ILCC News

Article suggestions are welcome!

The ILCC welcomes your input to enhance the ILCC News. If you have a suggestion for an article or topic or have a helpful hint to share with other licensees, please email LCC.industryreduction@illinois.gov.

ILCC News is published by the Illinois Liquor Control Commission for state liquor licensees, local government officials, industry associations, and related government agencies.

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The Illinois Liquor Control Commission is encouraging all special event and special use permit applicants to apply online via **MyTax Illinois**. To avoid the \$25 late fee for late applications, we strongly encourage you to submit your application 14 days in advance.

Once you have received local approval for your special event and your certificate of insurance for your upcoming special event, you then need to log into your MyTax Illinois account at mytax.illinois.gov.

You can find the step-by-step instructions on our website www2.illinois.gov/ilcc. If you have questions about the application process, or if you have trouble submitting your application, please contact LCC.Licensing@illinois.gov or you can call the ILCC office at (312) 814-2206 or (217) 782-2136 for additional assistance.

Beer Showcase Permit options for licensed Illinois Wineries, Brewers and Distillers.

There are a few options that a licensed Illinois manufacturer has in order to be able to sell their product to the general public at a special event. These options depend on the type of license they hold. A licensed Illinois Brew Pub, Distilling Pub, and Wine Maker Premises licensee that holds a State of Illinois Liquor License with a prefix

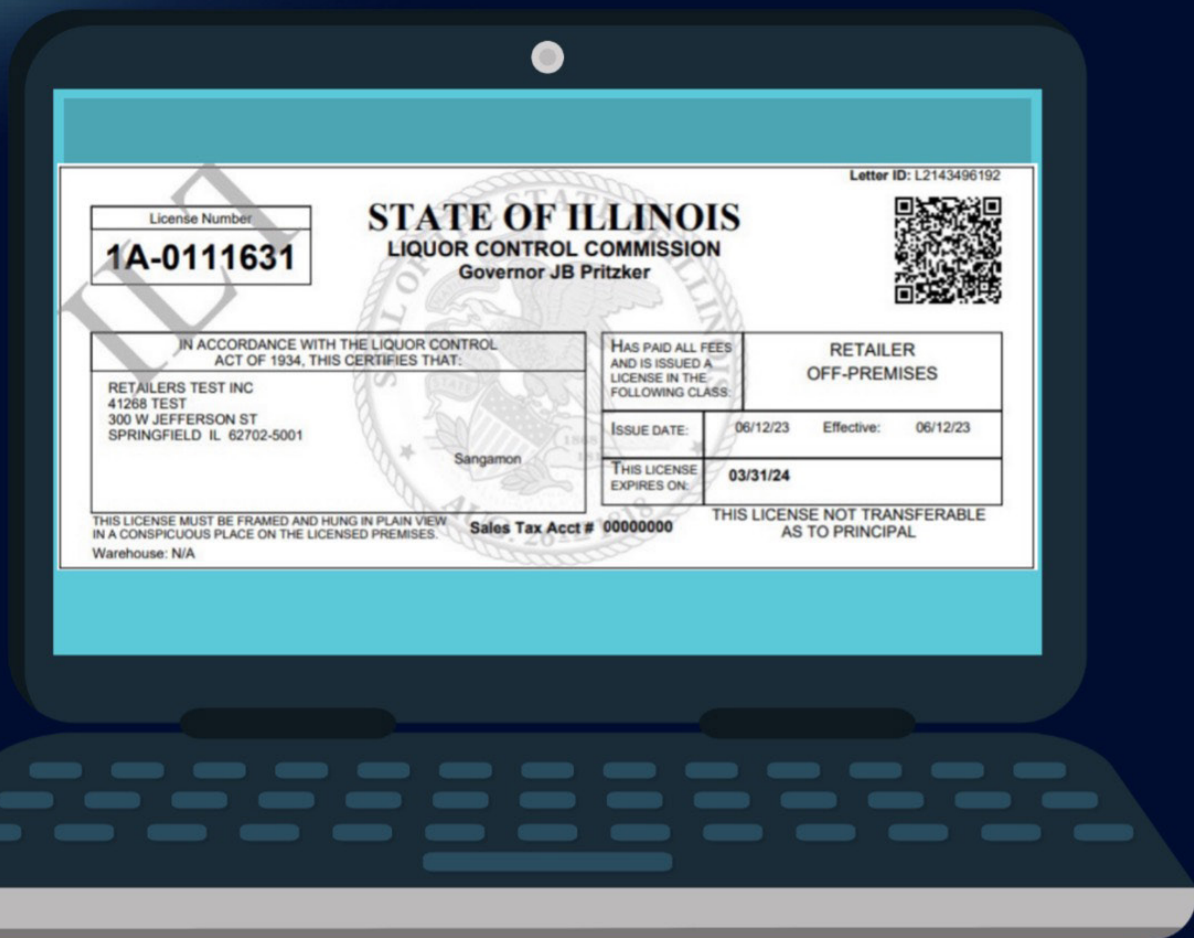
number beginning with 1C, 1X, or 1E may qualify for a special use permit liquor license. A special use permit liquor license allows a special use permit licensee to transfer a portion of its alcoholic liquor inventory from its retail-licensed premises to the premises specified on the special use permit license and to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to the location specified on the special use permit license.

A beer showcase permit can be issued to a licensed Class 3 Brewer or a licensed Illinois Distributor with a license prefix number beginning with 7Y, 2G, 2E, or 2F. A Beer Showcase permit allows for the transfer of beer only from an existing licensed premises of an Illinois license Class 3 Brewer or a licensed Illinois Distributor to a designated site for a specific event. A beer showcase permit license shall allow a licensed Illinois Distributor to transfer a portion of its beer inventory from its licensed premises to the premises specified in the beer showcase permit license. In the case of a Class 3 Brewer, transfer only beer the Class 3 brewer manufactures from its licensed premises to the premises specified in the beer showcase permit license; and to sell or offer for sale at retail, only on the premises specified in the beer showcase permit license.





NEW LOOK



We've made an update to the State Liquor license. You'll notice a change in the position of the QR code and license number. You will see this change the next time you renew your license.

WWW.ILCC.ILLINOIS.GOV

Public Safety and Public/Private Cooperation

Not many retail license holders realize that the Illinois Liquor Control Commission ("State Commission") hears appeals from decisions made by a local liquor control commissioner related to the operation of retail liquor licensed business.

Per the Illinois Liquor Control Act, a retail liquor license holder may file an appeal with the State Commission within 20 days of a local liquor control commissioner decision to fine, suspend, revoke, or deny a retail liquor license. The State Commission reviews approximately 20-25 cases per year and rules in favor of local liquor control commissioners and license holders depending on the facts of each individual case. Each decision by the State Commission may be reviewed further by the Illinois court system through the administrative review laws.

Over the past few years, the State Commission has received an increasing number of appeals related to violent acts occurring in and around retail licensed premises involving shootings or other actions which threaten the health and safety of patrons and nearby community members. Not only may these cases be tragic because of the loss of life or life-threatening injuries, but they also involve complicated facts in assessing the accountability of the retail license holder.

In deciding cases involving dangerous incidents in and around licensed establishments, the State Commission recognizes the challenges facing local liquor control commissioners in holding liquor license holders accountable for maintaining a safe environment. Businesses selling alcoholic liquor to the public have an obligation to operate a safe business and such businesses are the first line of defense in the deterrence of violent acts. License holders must consult legal counsel and take every possible security measure including, but not limited to, hiring enough professionally trained security personnel, utilizing legal video surveillance technology, enforcing capacity limitations, and closely monitoring patron intoxication levels. Having close and regular communication with the local liquor control commissioner and law enforcement officials may also help deter violent incidents.

At the same time, local liquor commissioners also have an obligation to specify the obligations expected of its license holders, especially the license holders primarily selling alcoholic liquor. Reliance on the enforcement of ambiguous public nuisance and disorderly conduct ordinances does not help license holders understand their responsibilities in maintaining a safe environment. Municipalities may pass ordinances requiring license holders of a specific type to follow an operational plan to deter potential violent acts. When possible, local liquor control commissioners should engage in progressive discipline to put license holders on notice of license violations. If a local liquor control commission cites a licensee for a violation of a specific license requirement, the licensee should be given every opportunity to defend itself with legal counsel if necessary.

The communication of specific operational mandates together with the implementation of such requirements may serve to reduce violent acts related to a retail liquor licensed business. The State Commission will continue to adjudicate appeals holding both license holders and local liquor control commissions accountable to collaborate with each other for the purpose of maintaining a safe environment for all.



Illinois Liquor Control Commission (ILCC)

Emergency Rule 100.490

Co-branded Alcoholic Beverages



What prompted the rule?

Last fall, new co-branded, ready to drink cocktails, hit the marketplace. Due to the nature of these co-branded products, the Illinois Liquor Control Commission (ILCC) took a proactive approach because the risk of a co-branded alcoholic beverage being mistakenly confused with a non-alcoholic beverage is preventable with proper product placement.

Who is impacted by this rule?

All establishments in Illinois that sell packaged alcoholic beverages for off-premises consumption.

What made this an emergency rule?

The ILCC originally tried to pass legislation relating to these products (HB2502), and when the bill didn't move, we had to find an alternative solution to the issue. We filed an emergency rule because we wanted to ensure the proper safeguards were in place as soon as possible. New co-branded alcoholic products continue to enter the marketplace, and the ILCC, which is tasked with protecting the health and safety of Illinois residents by way of responsible beverage control, had to find a way to mitigate the risks associated with the possibility that a distracted consumer could mistakenly purchase an alcoholic beverage thinking it was non-alcoholic, as well as prevent these products from being marketed to minors. We believe that the emergency rule, and subsequent permanent rule, does just that.



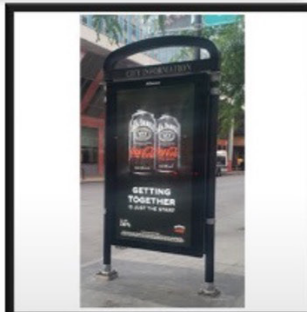
What is a “Co-branded alcoholic beverage?”

A “co-branded alcoholic beverage” is any alcoholic beverage containing the same or similar brand name, logo, or packaging as a non-alcoholic beverage.



Co-branded Product Placement and Advertising

Example of possible product confusion



FAQ's

Q: How long is the emergency rule in effect?

A: The Emergency Rule went into effect on May 26, 2023, and will remain in effect for 150 days, until October 23, 2023.

Q: What impact if any, will this have on the small businesses?

A: The Emergency Rule will not have an impact on small businesses. To comply with the Emergency Rule, small businesses may either follow the product placement requirements of the rule or the signage requirements of the rule. Signage may be picked up at the ILCC's Springfield and Chicago locations.

Q: What are the penalties for stores that don't comply?

A: A store that violates the Emergency Rule may be issued a penalty of up to \$500 per violation.

Q: Have you heard of any complaints?

A: Different entities and individuals have reached out to us with information about placement of these products on retail shelves that they believed was concerning. Our Enforcement Agents in the field have personally observed improper and concerning placement of these product on retail shelves, as well as marketing materials for these products that directly target persons under 21.

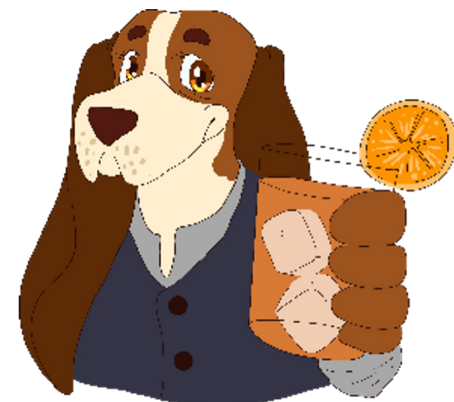
Q: Is the main concern that parents would be confused and buy the liquor for their kids by accident? Or that underage kids would get their hands on the drinks?

A: The main concern is two-fold: preventing confusion and mistakes between non-alcoholic and alcoholic beverages, as well as preventing alcohol marketing to children and persons under 21. Mistaking an alcoholic product for a non-alcoholic product is not only dangerous for children, but also for individuals with alcohol use disorders, individuals taking certain medications, and any other members of the population who do not or should not consume alcohol. Mistaking these products for non-alcoholic products could be easy for busy shoppers or shoppers who are not paying close attention to what they are picking off the shelves; this is especially true when these products are placed on shelves next to a non-alcoholic beverage of the same brand or surrounded by non-alcoholic beverages or products that are clearly marketed toward children, with no other indication that these beverages contain alcohol.



Meet Bentley the BASSET Hound. Bentley is the ILCC's new mascot.

The ILCC is proud to announce the new BASSET mascot. Bentley is a basset hound and a great addition to the ILCC. You'll find Bentley on BASSET materials at events and speaking engagements.



Q: *What is age verification in the statutes?*

A: Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces.

Q: *What are acceptable forms of ID?*

A: A valid, current Illinois driver's license or identification card issued by the Illinois Secretary of State's office or any other state.

Q: *What is considered a secondary form of ID?*

A: Secondary forms of ID's can be a valid Armed Forces Identification, US passport or travel visa with a photograph, a FOID card (Firearm Owner's Identification Card), or a work ID with a name and picture.

Q: *Should everyone be carded?*

A: Establishments can set their house rules. If they want to have a company policy that everyone entering the establishment or ordering an alcoholic beverage can be asked to present an ID. A business can set a policy, for example, to card anyone who looks under 35 years of age.

Q: *How should a group of guests be carded?*

A: It is recommended to have everyone take their ID's out of their wallets or purses and the ID checker should collect all the ID's at once and card everyone individually while having all IDs in their possession.

Q: *Should an expired or invalid ID be accepted?*

A: That is up to the discretion of a business's policy.

Q: *What should be checked?*

A: The information on the card, date of birth, card features, security features, consistence of driver's license numbers and letters, fonts, and coloring.

Q: *What else should be checked?*

A: Check the back of the ID for the bar codes and features. A door host can ask the card holder to sign their name on a pad of paper to check the signature.

Q: *What type of questions should the card checker ask?*

A: Ask for the information on the card. Ask what year they graduated high school, if familiar with zodiac signs, that could be asked.

Q: *What are some additional tools that can be used to check ID's?*

A: A flashlight, ultraviolet light, scanner, and ID checking guide

Q: *Where can I get an ID checking guide?*

A: Private companies and distributors provide ID checking guides of all 50 states for purchase or complimentary.

Q: *Can a vertical driver's license be accepted if a person turns 21 or is already 21 and has not renewed their driver's license to the 21 and over horizontal driver's license?*

A: A person with a vertical driver's license has 90 days to renew their driver's license to 21 and over one. It is up to the discretion of the establishment if they wish to accept it or reject it.



Q: *What are some proper carding techniques?*

A: Politely greet and access the cardholder (check for any signs of impairment) Ask for the ID make them take it out of their purse or wallet and hand it to the ID checker Hold the card up next to the person but in front and off to the side eye level so the picture and facial features can be seen. Check the information and features on the card.

Q: *What are some characteristics of fake ID's?*

A: Usually the fonts, coloring, print, and security features are more pronounced on the card. If there is a crease in the card, or if the bottom of the card is not laminated smoothly.

Q: *What should be done with fake ID's?*

A: If you have fake ID, you can confiscate it and turn it over to the authorities. However, if you are threatened with physical violence, you may want to give the card back, call the local authorities, and document the incident.



Q: *What would help to check on the transgender ID and techniques to follow?*

A: Check the person's height, eye color, and tip of the nose. Quiz the cardholder on information on the ID. Request a secondary form or ID or ask for a signature

Q: *What are the penalties for possession of a fake ID?*

A: Possession of a fake ID is a Class A Misdemeanor, a \$2,500 fine, and punishable up to one year in jail.

Q: *What is a consular ID, and can it be accepted?*

A: Though not recommended, again it up to the discretion of the business. This may also be a case to ask for a secondary form of ID. The consular ID is a document that many consulates issue to identify the citizens of their country who reside abroad. Although this document is issued regardless of the immigration status of the applicant, it does not, however, constitute a proof of legal residence and does not substitute for papers that the United States requires from foreign citizens to legally reside in this country.

Q: *What if I encounter a transgender ID or if a transgendered person has not updated their ID?*

A: The identification card must be a reasonable likeness of the person. If it is not, then the licensee or ID checker has a right not to serve the person or access entrance into the establishment that requires persons to be 21 or older for entrance.

Q: *How can a business protect itself from possible lawsuits?*

A: It is recommended to post house rules inside the establishment with other signage or at the front door. Post the house rules indicating that if an ID is not satisfactory or does not meet the reasonable likeness of the person, the establishment has the right to refuse service or entrance into the establishment.

Retailers have a plethora of options when choosing products to serve to their consumers. Among those options are pre-mixed alcoholic beverages (“pre-mix”) and infusions. While these two options might appear at first glance to be the same, they are treated differently. Knowing the difference is crucial for retailers to ensure they are complying with ILCC regulations regarding these products.

First, what is a pre-mixed alcoholic beverage or “pre-mix?” While this term is not specifically defined, a pre-mix is a combination of alcoholic beverage(s) and/or non-alcoholic items that have been mixed in a single container ahead of time to serve the consumer more quickly. Some examples of a pre-mix include Vegas bombs, Long Island Iced Tea, Bloody Marys, Jello Shots, margaritas, and sangria. While this list is not exhaustive, it does provide some typical examples seen by our Special Agents. If a drink is mixed at the time of the order or the pre-mixed concoction does NOT contain alcoholic liquors, this would NOT be considered a pre-mix. If the drink is a pre-mix, a retailer must comply with a few laws and/or rules. First, a retailer may not use an empty liquor bottle to store or serve a pre-mix (see 11 Ill. Admin Code 100.160(e), 100.290(c), and 235 ILCS 5/6-22). Next, retailers are required to drain any pre-mix containers or systems, contents disposed of, and thoroughly cleaned

at least once per week. Therefore, a pre-mix may only be served for up to one week after being made before it must be destroyed (i.e., thrown away or dumped out). A retailer can prove compliance by placing a label on the container or machine. That label should contain the date the pre-mix was made (i.e., “production date”) and the alcoholic liquor(s) contained therein. If a container or machine is not labeled, it is assumed that the product is more than one week old and must be destroyed. Finally, retailers must maintain a cleaning log for mechanical systems such as, but not limited to, frozen margarita machines used for the service of pre-mix. This log must contain the date of the cleaning(s) and the signature of the person who performed the cleaning, exactly like the requirements for a draught system cleaning log.

Next, what is an “infusion?” By definition (see 235 ILCS 5/6-22.5), an infusion is “a spirit where ingredients, including but not limited to, fruits, spices, or nuts, are added to naturally infuse flavor into the spirit.” This definition provides a very important distinction between an infusion and a pre-mix – an infusion may only be made from a single distilled spirit. An example would be fruit-infused vodka, which could be made by placing fresh peaches into a sanitary container which had been filled with vodka. If an alcoholic beverage concoction does not meet this definition, it will be considered a



pre-mix and must comply with those requirements. For example, if the mixture is based on any other type of alcoholic liquor, such as wine, it cannot be considered an infusion. The statute also provides specific requirements for compliance. First, the infusion must be mixed and stored on the licensed premises. A licensee may not mix it at home and bring it back to the business. Second, the infusion container is required to have a lid and be in sanitary conditions. Third, the infusion cannot be aged more than 14 days. Aging is considered to be the time between when it was produced and when it was first served to consumers. Fourth, the infusion must be used or destroyed within 21 after ending the aging process. Fifth, the licensee must maintain cleaning records for all containers used to store the infusion(s). Finally, the infusion container must contain a label with the following four (4) pieces of information: 1) production date of the infusion, 2) the base spirit of the infusion, 3) the date the infusion will end the aging process, and 4) the date by which the infusion must be destroyed.

When a Special Agent encounters these concoctions, he or she will use two quick assessments to determine into which category the concoction will fall. The first consideration is if the concoction based upon a single spirit. If it is based on anything other than a single distilled spirit, it cannot be an infusion. The second consideration is if the ingredients were added to the single spirit to infuse the spirit with the flavor(s) or if the single spirit was added to the ingredients for those ingredients to absorb the alcohol. If it is the second option, the concoction cannot be an infusion. This topic can be very confusing, so we've including a reference chart below to compare pre-mixes with infusions. Should you have any further questions, please feel free to contact our office.

	Pre-mix	Infusion
Alcoholic liquors used	Any type and number of alcoholic liquors	A singled distilled spirt
Must be made and stored on premises?	YES	YES
Can be served from empty alcoholic liquor bottles	NO	NO
Amount of time for aging	None	No more than 14 days after production
Amount of time can be used before destruction required	7 days	21 days after ending the aging process
Cleaning log required	Only for mechanical systems	Yes, for all infusion containers
Label required?	YES	YES
Label information required?	Date of production and alcoholic liquors used	1. Date of production 2. Base spirit 3. Date aging ended [not more than 14 days after #1); and 4. Date by which product must be destroyed [not more than 21 days after #3)



Women in the Beverage Alcohol Industry



Shannon Trotter, Jennifer Niesen, Lisa Gardner, Mara Smith, Pamela Pazitopoul



Meet the Experts Event



BASSET Training

Alliance Against Intoxicated Motorist (AAIM) Event



Evergreen Park Farmer's Market



New Education Materials

The Illinois Liquor Control Commission has published new education materials. You can stop in our offices and pick up some copies or you can download copies [here](#).



Media & Press Releases

CBS News Interview

[Emergency Rule 100.490](#)

WGEM News Interview

[Emergency Rule 100.490](#)

WPSD New Report

[Illinois extends to-go alcoholic drink law another five years](#)

IOCI Radio Interviews

[Co-Branded Alcoholic Beverages](#)
[Summer Alcohol Safety: Heat, Humidity, and Alcohol Can Be a Dangerous Mix](#)

ILCC Press Releases

[ILCC Files Emergency Rule Regulating Placement and Display of Co-Branded Alcoholic Beverages in Retail Establishments](#)
[Cocktails To-Go](#)
[Summer Alcohol Safety: Heat, Humidity, and Alcohol Can Be a Dangerous Mix](#)
[Boozy Boating is Dangerous, Avoid BUI This Summer](#)

Mothers Against Drunk Driving (MADD)

[Podcast](#)

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The ILCC is committed to being more visible in the community. Whether it's a farmer's market, school function or outdoor event, we want to participate. If you have events that you would like us to be a part of, send us an email to LCC.industryeducation@illinois.gov

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