

# ILCC News



## Newsletter of the Illinois Liquor Control Commission

### A Message from ILCC Director Chima Enyia



**Chima Enyia**  
Director,  
Illinois Liquor  
Control Commission

Greetings,

2020 has undoubtedly been a difficult year. Since March 2020, the ILCC has issued a series of temporary directives to provide swift regulatory and financial relief to all licensees during these difficult times. Whether it be extension of license renewals, temporary suspension of the delinquency list, increased delivery options, or the virtual 2020 College Town Summit, we remain fully committed to collaboration with industry associations, local liquor commissions, law enforcement, local health departments, and licensees to ensure that we navigate the industry back to full health.

Now that the holidays are upon us, please ensure that your holiday celebrations are safe and responsible. The ILCC strongly encourages adherence to the guidelines put forth by the Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH).

As always, the ILCC and local law enforcement will be conducting underage consumption and purchase investigations, so please make sure to use best practices when checking IDs for curb side and delivery.

Let's close out 2020 safely, so that we can all enjoy a much better 2021.

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Due to the hardships on liquor license holders as a result of the COVID-19 virus outbreak, all licenses with a renewal date of March 31, 2020 or after are automatically extended to March 31, 2021. In another effort to relieve some of the financial strain licensing fees and late fees can cause during this time, no late fees will be charged until after April 01, 2021. License renewal fees are due at time of renewal. Note that 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. Unfortunately, license renewal fees are nonrefundable. Go to <https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/COVID19.renewal.extension.5.pdf> for details regarding this extension.

## Frequently Asked Questions:

### Will I still be able to renew my license on or before 03/31/2021?

Yes, you can renew your license anytime prior to March 31, 2021.

### Will my original renewal date change?

No, this renewal extension gives you more time to renew your license and temporarily defers the license fee payment until 03/31/2021. For example, if your license originally expired on 09/30/2020 and if you did not renew your license on or before your original expiration date your license is automatically extended until 03/31/2021. When you renew your license it will revert back to your original renewal date/month which in this case would be 09/30/2021.

### When is the payment fee due for my renewal?

The payment fee is due at time of renewal. In the above example if your license originally expired on 09/30/2020 and you did not renew on or before 09/30/2020 you were given the automatic renewal extension until 03/31/2021. You will need to renew your license on or before 03/31/2021 and at time of renewal you will be required to pay the renewal fee. In this example your expiration date will reflect 09/30/2021 once the license is renewed.



## 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 contact the ILCC's Chicago Office.

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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During the Tier 3 COVID-19 mitigation period and the holiday season, the Illinois Liquor Control Commission encourages financially successful licensed businesses to share resources with the less fortunate. Illinois Liquor Control Commission Rules authorize licensed manufacturers, importers and distributors (“industry members”) to give charitable donations to not-for-profit causes if the charitable gifts are not passed through to retailer license holders.



The Illinois Administrative Code states the following:

*An industry member may make contributions of cash, alcoholic liquor products, non-alcoholic products, services, equipment or signs to a not-for-profit organization, including but not limited to charitable organizations, religious organizations, trade associations, political organizations, and fraternal organizations. An industry member may not make contributions of alcoholic liquor products to any not-for-profit organization that has a local municipal and State of Illinois retail license. [11 Ill. Admin. Code 100.500(d)(14)].*

Such contributions may also include pre-paid gift cards given to people in need. The ILCC policy on an industry member providing gift cards is consistent the Federal

Alcohol and Tobacco Tax and Trade Bureau (“TTB”) policy as stated below:

*An industry member may donate pre-paid gift cards directly to consumers, provided that the gift cards are not tied to an alcohol beverage retailer, retailer group, or restaurant. For example, industry members may donate pre-paid debit cards, such as those issued by banks or bearing the logo of a major credit card company, and encourage consumers to use the gift cards to support retailers or restaurants of the consumer’s choice, so long as the industry member does not give those items to wholesaler and retailer officers, employees, or representatives. See 27 CFR 6.96(b).*

*However, the purchase of pre-paid gift cards redeemable solely at a specified alcohol beverage retailer or retailer group would constitute an inducement. For example, the purchase of gift cards that can only be used at “Pat’s Bar and Grill” and the subsequent providing of those gift cards to consumers would be considered an inducement. (TTB Circular 2020-3).*

As referenced in the Administrative Code and the TTB Circular, tied house laws prohibit industry members from giving various donative items directly to a retailer or “to a third party, when the benefits resulting from the things of value flow to a retailer.” [11 Ill. Admin. Code 100.500(b)]. Therefore, an industry member is not authorized to donate items to non-for-profit organizations if the foreseeable use of the item will benefit a retailer (e.g. outdoor restaurant operating equipment; retailer-specific gift cards).

As much as the ILCC supports the assistance of less fortunate persons and businesses, especially in the on-premises retail sector, tied house laws are intended to guard against supplier inducements or “of value” payments that benefit a small subset of businesses. Abiding by tied house laws gives all alcohol beverage sectors the opportunity to participate in a highly competitive but fair market.

Therefore, the ILCC encourages charitable giving as expressly authorized by statute and rules during the holiday season and the COVID-19 Tier 3 mitigation period.

It goes without saying that nothing about 2020 has been normal. Everyone's way of life has changed. There have been many changes to our rules that help our licensees get through these difficult times such as: off-premise sales for all retailers, single cocktail sales for pick-up or delivery, cocktail kits for pick-up or delivery, payment plans for outstanding balances owed to distributors, local liquor commission authority to expand the definition of a licensed premises to expand outdoor seating, extension of license renewal to March 31st, 2021 (for any license that expired on or after March 31st, 2020), and return privileges in certain circumstances.

These temporary rules implemented by the ILCC give you options to keep your customers engaged with your business until it is safe for them to return for normal service. Please reference our website for daily updates at <https://www2.illinois.gov/ilcc/pages/home.aspx>.

Additionally, The folks at [Responsibility.org](https://www.responsibility.org) have put together a list of [resources](#) that may help you navigate and celebrate this holiday season. These tools will help you be aware of everything from traffic safety concerns to talking to your children about alcohol.

Thank you for your partnership and understanding as we all do our best moving forward. The ILCC Enforcement Division wishes you a happy holiday season and a peaceful and prosperous new year.







In March of 2020, the ILCC made the pivot from in-person events to virtual webinars, starting with our lunch & learn, Alcoholism and the Bar: Ethical Considerations for Lawyers. Next, we

a BASSET Town Hall Meeting. If you have webinars that you would like to see please contact us. Stayed tuned to our social media channels for details and subscribe to our YouTube Channel.



**Alcoholism And The Bar: Ethical Considerations For Lawyers**  
 Moderator: Michelle Flagg, Illinois Liquor Control Commission, Industry Education Director, JD  
 Panelists: Tracy Keppler, Risk Control Consulting Director for CNA's Lawyers' Professional Liability Program, JD  
 Melissa A. Smart, Litigation Group Manager and Senior Counsel at the Illinois Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (ARDIC), JD  
 Dr. Diana Uchiyama, Lawyers' Assistance Program (LAP), JD, PsyD

hosted Social Host Law in Illinois.

In October we held the 12th Annual College Town Summit along with a kickoff for Red Ribbon Week.

In 2021, we will continue to engage virtually until it is safe to meet again in-person. For Black History Month, we will highlight African Americans in the liquor industry. During Alcohol Awareness Month in April, we will have



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In celebration of Repeal Day (December 5, 1933), the Center for Alcohol Policy shared their top five resources for learning more about alcohol regulations and the 21st Amendment. You can subscribe to their newsletter at <https://www.centerforalcoholpolicy.org/> The passage of the 21st Amendment repealed prohibition and set in motion the alcohol laws and regulations that we have today. The center has several publications available along with a video that illustrates the establishment of today's alcohol regulatory system, <https://www.youtube.com/watch?v=M5QIPM1MKvE>

During the months of the COVID-19 pandemic BASSET training was still taking place throughout the State of Illinois. This was an opportunity for employees in the hospitality industry to fulfill training requirements and for some, get retrained and renew their BASSET certification.

Curbside delivery was enacted to assist businesses in sales, and keep them operating. Employees performing curbside service duties are required to be BASSET trained. This will, when applied, reduce the risk of alcohol-related incidents, drunk driving fatalities, and prevent underage sales and consumption.

When BASSET training became mandatory for on premise establishment servers and ID checkers, there has been an increase in the number of BASSET trainers around the state. Calls still come to the ILCC office of inquiries to become a BASSET trainer and obtain a BASSET license.

The Commission issues BASSET cards on a timely basis with a two to three-week time period from the time the BASSET rosters are received to the BASSET email address. Lost or returned BASSET cards get emailed to the students.

BASSET providers and trainers are encouraged to extent BASSET training in their communities by reaching out to local businesses. Though BASSET training is not required for off premise establishments, unless there is a local ordinance, they should be contacted and encouraged to send their clerks to get trained. There are off premise establishments who require BASSET training for their employees as a good business practice and safety of the business and community.

### Reminders for BASSET Trainers:

- The ILCC does not send renewal applications for BASSET license renewals, but a reminder email will be sent. Please renew your BASSET license on time so trainers can train, and their rosters can get processed.
- Trainers have the obligation to remind their students they must be recertified and retrained every three years. It is their responsibility to keep track of their expiration dates, the ILCC does not send reminders for the expiration of BASSET cards.

- Make it clear to the students that their temporary cards are good for **30 days** and should receive their state-issued BASSET cards in two to three weeks.
- The address students give to the trainer to put on the spreadsheet is where the card will be sent. If they use a business or store address, the card is not strictly for that location. – The card is assigned to the individual.
- No out of state business addresses, cards must be sent to the Illinois store locations where they are employed.
- If a correction needs to be made for student information on a spreadsheet, a new spreadsheet must be submitted with the correct student information.



### 2021 "Proof of Age" signs and "2000" stickers

DO NOT throw away your current ILCC "Proof of Age" signs, as these are limited quantity for new licensees. 2 x 4 labels with the year "2000" (for placement over the old year) will be made available in January along with printable 2021 signs.

The link to order stickers [www.illinois.gov/ilcc](http://www.illinois.gov/ilcc).



By Lee J. Roupas, ILCC BASSET Program Manager

With a pandemic affecting business and guidelines being recommended, people will not be gathering as they usually do during the time of the holidays. Parties and outings will be limited this year and less people will be attending gatherings. Friends will be gathering for food and drink to enjoy conversation and company, but doing it socially distancing and practicing other preventive measures.

Consider the laws regarding alcohol service and sales to minors, and the high-risk liability caused by intoxicated guests leaving an establishment. Businesses must always assess risks and take the proper measures to prevent them. Private house parties should be mindful of Social Host laws to prevent alcohol-related incidents, violations, and lawsuits.

Here are some reminders to protect your patrons, guests, and business this holiday season during a pandemic:

1. Have proper carding policies and procedures.
  - Politely greet the guest analyzing them for already signs of intoxication.
  - Ask for the ID and make them take it out of their wallet to hand to you.
  - Hold the card up to check the person's physical features and compare to the picture on the ID.
  - Read the information on the card, ask questions and ask for a secondary ID if necessary.
  - Check the security features on the card.
  - Return the ID to the cardholder.

2. Pay attention to customers and control access to alcohol being provided:
  - Use standardized glassware and measuring tools in mixed drinks.
  - Do not "stack drinks", make sure guests are done before ordering another.
3. Offer the alternatives if a guest is getting to the point of intoxication.
  - Nonalcoholic beverages, coffee, tea or soft drinks.
4. Offer food, appetizers and other snacks to slow down the absorption of alcohol.
  - High protein fatty food.
5. Observe Behavioral Cues to determine if a patron is near intoxication or already at that point:
  - Lowered inhibitions – Loud speech, boisterous, and change in mood.
  - Impaired judgement – Invincibility, think they are ok to drive, or get argumentative.
  - Slower reactions – Slurred speech, blood shot or glassy eyes.
  - Poor Coordination – Difficulty walking and performing routine tasks.
6. Have a plan for alternative transportation or ride sharing.
  - Ask if there is a sober designated driver in a group or arrange for a cab.



### Restore Illinois - A Public Approach to Safely Reopening Our State

To prevent rapid spread of COVID-19 new mitigations may be applied on a regional basis and can include adaptation or restriction for certain high-risk activity settings, such as bars & restaurants. Visit <https://dceo-covid19resources.com/restore-illinois/> for current information on your region.

As of the date of publication, Illinois is in Tier 3 of Phase Four.



### Grant Opportunities from the Illinois Department of Transportation

<http://www.idot.illinois.gov/transportation-system/safety/grants/index>

The Illinois Department of Transportation’s Bureau of Safety Programs and Engineering (BSPE) is actively working to meet the goal of zero fatalities on Illinois roadways. In order to make this goal a reality, BSPE offers grant opportunities for funding to state and local agencies and qualified organizations. Due to the size, population, and high traffic volume on Illinois roadways, BSPE partners with state and local agencies and qualified organizations to make this goal a reality.

### National Drug and Alcohol Facts Week

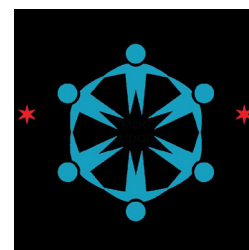
National Drug and Alcohol Facts Week (NDAFW), an annual health observance week, connects teens with resources to SHATTER THE MYTHS® about drugs and alcohol. Beginning Monday, March 22, tweet, snap, or post pics using the new “Not everyone’s doing it” social media cards and hand-held placards.



### Alcohol Policy Resource Center (APRC)

Register for the APRC’s webinar, “The Truth About Underage Drinking and Fake ID’s” on January 11, 2021 10:00 am - 11:30 am. This webinar will NOT be recorded and is a must attend event. Speakers include Officer Jermaine Galloway and Mark Baxter. Officer Galloway AKA Tall Cop Says Stop™ is well known for his informative and engaging presentations. <https://www.prevention.org/training/alcohol-policy-resource-center-aprc-webinar>

### Midwest Asian Health Association



Midwest Asian Health Association (MAHA) is the primary health resource that provides culturally sensitive and language appropriate health services to the medically underserved population in the south side of Chicago. MAHA has the following events in January and you

can visit their website at <http://maha-us.org/>

- 1/14/2021 McKinley Park Underage Drinking and Other Substance Abuse Prevention (McK-UDOS) Coalition Meeting
- 1/25/2021 Brighton Park Neighborhood Council Coalition Meeting

### Coalition for Asian Substance Abuse Prevention

This October, Coalition for Asian Substance Abuse Prevention (CASAP) initiated a Youth Advisory Board (YAB) to bring the youth sector to empower youth to lead social change projects. The YAB has the following work groups, Media Campaign, Prevention Education, Community/Environmental and Policy and Advocacy. The Community/Environmental Work Group will be responsible for coordinating and planning all activities that are related to engaging the community such as Town Halls, Responsible Beverage Servers training, and outreach activities.





## COVID-19 Compliance Frequently Asked Questions Updated December 21, 2020

**Q.** How long will the Tier 3 mitigation measures be in place for?

**A.** Effective November 20, 2020, all regions in the State will operate under the new mitigation requirements to combat the surge of COVID-19 across Illinois. IDPH will continue to track the positivity rates and hospital capacity metrics in regions over a 14-day monitoring period to determine if mitigations can be relaxed, if additional mitigations are required, or if current mitigation should remain in place.

In order to see a removal of Tier 3 mitigations and transition to Tier 2, a region must experience less than 12 percent test positivity rate for three consecutive days AND greater than 20 percent available intensive care unit (ICU) and hospital bed availability AND declining 7-day average COVID hospitalizations in 7 out of the last 10 days.

**Q.** Where can I find information on Tier 3 Mitigation procedures?

**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.** How and where may I permit food and beverages to be consumed on my licensed premises?

**A.** Outdoors only for Restaurants, Bars, and Social Events/Banquets during the Tier 3 Mitigation period.

**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 to 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.** Do these restrictions apply to indoor food courts?
- A.** Indoor food courts can continue to operate for take-out and grab-and-go services, but the food cannot be consumed in the food court common area.
- Q.** Can bars and restaurants in mitigation areas serve food and beverages indoors in conjunction with a meeting or special event?
- A.** No. Bars and restaurants in mitigation areas are not permitted to have any indoor dining and service, and therefore may not host meetings, events or gatherings within their establishment.
- Q.** 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.** No; meeting rooms, banquet centers, private party rooms, country clubs, etc. may not host meetings or events – including weddings – under any capacity.



- Q.** What are the new capacity restrictions for retail and general merchandise stores?
- A.** Retail and service counter stores that are not primarily engaged in the sale of groceries or medicinal drugs (pharmacies) are limited to 25% capacity. "Big Box" stores that sell both groceries and other items are limited to 25% capacity.
- Q.** What about grocery stores and pharmacies?
- A.** Retail stores that primarily sell groceries (i.e. Jewel, Kroger, Mariano's, Whole Foods, etc.) or medicinal drugs (pharmacies) can continue to operate at 50% capacity
- For the purpose of this guidance, a retail store "primarily sells groceries" if it derives at least 65% of its revenues from the sale of food items
  - For the purpose of this guidance, a retail store "primarily sells medicinal drugs" if it derives at least 50% of its revenues from the sale of prescription and over-the-counter drugs
- How do the capacity restrictions impact malls?
- The 25% capacity restriction applies to each store as well as each common area at the mall.
  - Indoor food courts are permissible for takeaway services only.
- Q.** Do the store employees count towards the capacity restrictions?
- A.** No
- Q.** I am a tavern or brewer with a tap room and do not hold a license of any kind to serve food. May I offer outdoor drinking at a bar or at tables WITHOUT DINING?
- A.** Yes, if the business complies with the table and standing requirements of the restaurant/bar guidance.
- Q.** Are outdoor special events permitted during the Tier 3 Mitigation period?
- A.** Generally, outdoor special events are not permitted but holiday markets can be held under the following conditions:
- 25% capacity of the outdoor space
  - Everyone needs to wear a mask unless they are eating or drinking
- Grab & Go only for food and drink sales, common area for tables should not be available
  - Vendor booths should be separated at least 30 feet apart
  - Operator needs to manage the entry/exit points to manage the capacity
- Q.** Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?
- A.** Tastings are not permitted during the Tier 3 mitigation period.
- 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](mailto: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](https://www2.illinois.gov/MyTaxIllinois). (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.** May a local liquor control commissioner designate an outdoor food and beverage consumption area to be on government owned property?
- A.** 235 ILCS 5/6-15 states that “corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance ... that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county.”
- Q.** May a local liquor control commissioner designate an outdoor retail licensed premises to be within 100 feet of a church, school, hospital, home for aged or indigent persons or veterans (or their spouses and children) or military or naval stations.
- A.** 235 ILCS 5/6-11 states that a liquor license may be issued within 100 feet of the above cited locations under the following conditions:
1. To “places where sale of alcoholic liquors is not the principal business carried on” (outside Chicago); OR
  2. If the local liquor control commissioner “grant[s] an exemption” to the 100-foot rule prohibition “if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.”
- Q.** How may I serve food and beverages 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 3 mitigation) 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.** If I am a liquor store that does not sell food or a convenience store that sells food and liquor, may I remain open during Phase 4 of the Restore Illinois Plan?
- A.** Yes, retail and service counter stores that are not primarily engaged in the sale of groceries or medicinal drugs (pharmacies) are limited to 25% capacity.
- Q.** How may golf courses sell food and beverages?
- A.** See this link for instructions: [golf.pdf \(dceo-covid19resources.com\)](https://www.dceo-covid19resources.com/golf.pdf)
- Q.** Can on-premises licensed establishments have private events if the event brings their own alcoholic beverages?
- A.** No. Indoor consumption of food and beverages is prohibited during Tier 3 mitigation period.
- Q.** Can growlers and crows 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 pick-up, 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. Licensed video gaming is not permitted during the Tier 3 mitigation period.
- 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. 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.** 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.