

# Title 11: Alcohol, Horse Racing, and Lottery

## SUBTITLE A: Alcohol

### Chapter I: Illinois Liquor Control Commission

#### Part 100

#### The Illinois Liquor Control Commission

#### Section

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**Authority:** Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

#### Section 100.5 Penalties

Any licensee who violates these Rules and Regulations or any part thereof adopted by the Commission under authority vested in it by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)] will be subject to the penalties of revocation or suspension or fine as set forth in Section 3-12(1) of the Act [235 ILCS 5/3-12(1)] or to the penalties as prescribed in Sections 10-1 and 10-4 of the Act [235 ILCS 5/10-1 and 10-4].

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

#### Section 100.10 Definitions

The following words or phrases are defined as follows:

“**Act**” means the Illinois Liquor Control Act (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.

“**Commission**” means Illinois Liquor Control Commission.

“**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].

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

“**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.

“**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 corporation, 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.

“**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 presentation. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits 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 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 or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits provided that the alcoholic content does not exceed 24 percent of alcohol by volume.

*(Source: Amended at 26 Ill. Reg. 17966, effective December 9, 2002; Amended at 28 Ill. Reg. 17386, effective November 10, 2003)*

### **Section 100.20 Employment of Minors**

In the sale, distribution or delivery of alcoholic liquors, no retail alcoholic liquor licensee may employ, with or without compensation, or in any way directly or indirectly, use the services of a minor.

*(Source: Amended at 20 Ill. Reg. effective 1, 1994)*

### **Section 100.30 Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation**

- a** No person holding a license issued by the Commission shall in the conduct of the licensed business or upon the licensed premises:
  - 1** Violate any Federal law or State statute.
  - 2** Violate any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.
  - 3** Suffer or permit a violation of any Federal law or law of the State of Illinois, or of any rule of the Commission.
  - 4** Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the sale of alcoholic liquor.
- b** Violations may be proved by evidence that the licensee has been convicted of a violation of a Federal law or a law of the State of Illinois in the conduct of the licensed business or upon the premises, or has been found guilty of violating any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.
- c** Proof before this Commission of facts which establish a violation of any Federal law, State statute, city, village, town or county ordinance or resolution or rule of the Commission, shall be sufficient cause for imposing a fine, revocation or suspension of any license issued by the Commission, irrespective of whether or not a conviction has been obtained in any court.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.40 Registration of Tasting Representatives**

- a** Any non-licensee wishing to conduct a tasting as defined in Section 100.10 must register with the Commission. A registered tasting representative acts as the agent of the licensee.
- b** Registration is fulfilled by submitting a form including the name of the person, address, licensee representing, if applicable, and any other questions deemed appropriate and necessary, and a \$100.00 administrative fee payable annually to the Commission.
- c** The registration identification, or a copy thereof, must be available for inspection during any tasting.
- d** Any applicant must meet all eligibility requirements as stated in 235 ILCS 5/6-2.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.50 Advertising**

- a** General Requirements: Federal Alcohol Administration Regulation No. 4 relating to the advertising of wine (27 CFR 4 (1998) no subsequent dates or editions), Federal Alcohol Administration Regulation No. 5 relating to the advertising of distilled spirits (27 CFR 5 (1998), no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of malt beverages (27 CFR 7 (1998), no subsequent dates or editions) are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the federal regulations are not contrary to, or inconsistent with, the provisions of the laws of Illinois or this Part.
- b** Advertising:
  - 1** No licensee, or the agent or representative thereof, may advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.
  - 2** Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor advertised.
  - 3** Such advertisements shall not contain illustrations of children nor shall they make use of any material which would make a special appeal to juveniles.
  - 4** Such advertisements shall not contain any material which is false or untrue in any respect.

*Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.60 Geographical Territories**

- a** Every manufacturer, distributor, importing distributor, foreign importer or nonresident dealer who owns or controls the trademark, brand or name of any alcoholic liquor, sold or intended for sale in Illinois, shall register with the Commission the names of all persons to whom the right is granted to sell or distribute alcoholic liquor, at wholesale, specifying the trademark, brand or name of the alcoholic liquor, and the geographical territory or territories for which such distributing rights have been given. A copy of the Registration Statement and Withdrawal of Registration filed with the Commission shall be sent certified or registered mail to all those listed thereon to serve as notice of the contents.
- b** No such registration shall be made by any one other than the manufacturer, distributor, importing distributor, foreign importer or nonresident dealer owning or controlling such trademark, brand or name.
- c** No distributor, importing distributor or foreign importer shall sell, purchase, receive or distribute at wholesale in Illinois, or shall

transport or cause to be transported for sale at wholesale in Illinois any alcoholic liquor, bearing any such trademark, brand or name outside of the respective geographical territory for which distributing rights have been given such distributor, importing distributor, or foreign importer as registered with the Commission in accordance with the provisions hereof.

- d** No retailer may, knowingly purchase or receive for sale at retail any alcoholic liquor, bearing any such trademark, brand or name from any distributor not having distributing rights in the geographical area in which the place of business of such retailer is situated.
- e** No manufacturer, distributor, importing distributor, foreign importer or nonresident dealer shall wilfully fail to register with the Commission as herein provided.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.70 Labels**

- a** No manufacturer, nonresident dealer, distributor or importing distributor shall sell or deliver any package or container containing alcoholic liquor manufactured or delivered by that person unless the package and/or container is labeled in conformity with this Section.
- b** General requirements and Restrictions:
  - 1** Federal Alcohol Administration Regulations Nos. 4, 5 and 7 relating to the labeling of wine, distilled spirits and malt beverages (27 CFR 4, 5 and 7, April 1998, not including any later amendments or editions), are hereby adopted and made a part of this Section for labeling every package or container of wine, distilled spirits and malt beverages, with the following exception: wine includes all products as defined in Section 1-3.03 of the Act [235 ILCS 5/1-3.03] and Section 100.10 of this Part.
  - 2** The aforesaid regulations shall apply to wine, distilled spirits and malt beverages packaged purely for intrastate commerce within the State of Illinois to the same extent as though intended for interstate or foreign shipment.
  - 3** No manufacturer, nonresident dealer, distributor or importing distributor shall affix any label to any package or container containing alcoholic liquor for sale or delivery in the State of Illinois until such label has been submitted to and approved by the federal government. Such manufacturer, nonresident dealer, distributor or importing distributor shall submit to the Commission a photostatic copy of the federal label approval.

#### **4 Wine Labels**

- A** Wine labels must contain the name and address of the manufacturer or the bottler of the product.
- B** For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located is acceptable.

#### **5 Malt Beverage Labels**

- A** Malt beverage labels must contain the name and address of the brewery which manufactured or canned or bottled the product.
- B** For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located is acceptable.

#### **6 Distilled Spirits Labels**

- A** Labels of all alcoholic liquors other than wine and malt beverages must contain either the phrase "Bottled By" or "Distilled By" (or other descriptive identification of the manufacturer of the product) followed by the name and address of the bottler or manufacturer, as the case may be.
  - B** For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located is acceptable.
- 7** No statement of age shall be made with respect to gins, cordials, liqueurs or specialties.
  - 8** The Commission shall withhold approval of any label if it has reasonable cause to believe that the wording or design contained on the label may, in any manner, tend to deceive the purchaser as to the true nature of such alcoholic liquor.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.80 Bonds (Repealed)**

*(Source: Repealed at 8 Ill. Reg. 6041, effective April 19, 1984)*

### **Section 100.90 Credit to Retail Licensees**

The following rule shall govern in the application of the provisions of Section 6-5, of the Act [235 ILCS 5/6-5] relating to extension of credit to retail licensees by manufacturers, distributors and importing distributors:

- a** Where two or more retail licensees are controlled by common ownership and one or more of the retail licensees becomes delinquent, all retail licensees under the common ownership shall be deemed delinquent.
- b** In totaling the 30 day period for the purpose of determining the delinquency of a retail licensee, the first day shall be the day immediately following the date of the invoice of the purchase in question, and all successive days shall be included, Sunday as well as holidays, up to and including the thirtieth successive day.
- c** Payment by check on or before the thirtieth day following the date of the invoice shall be considered payment, providing the check is deposited and cleared within the period prescribed by the ordinary course of business.
- d** Where a bona fide sale of a retail business occurs, the purchaser shall not be deemed delinquent because of the delinquency of the purchaser's predecessor in interest; however, in the event there is a continuity of interest, direct or indirect, between the seller and the purchaser, the latter shall be deemed delinquent in the same manner, and to the same extent, as was the seller.
- e** Where there exists a bona fide dispute between the retail licensee and the wholesale licensee as to the fact of payment for a given sale, the sale in itself shall not be deemed sufficient grounds for considering the retail licensee delinquent.
- f** Where a retail licensee pays a salesman, or other agent of the wholesaler, the payment shall be deemed effective upon the receipt of the money or check by the salesman or other agent.
- g** Where a retail licensee is deemed delinquent and, therefore, not able to purchase for cash, or otherwise, any alcoholic liquors, the retail licensee may, nevertheless, purchase beer for cash.

- h** Payment received from a delinquent retailer after the first business day of the calendar week and before a verified written statement of delinquency has been submitted to the Commission will entitle the manufacturer, importing distributor or distributor submitting the list to delete that retailer's name from the list.
- i** Determinations of delinquency or non-delinquency shall be made by the Chairman, Executive Director or any individual so authorized by the Chairman or Executive Director on the basis of the verified report of delinquency and any affidavits or counter affidavits before him or her. Any licensee objecting to such determination may request the Commission in writing for a hearing which will be set at the next regularly scheduled meeting of the Commission.
- j** A copy of any verified written list of delinquencies shall be simultaneously forwarded to those licensees listed therein by the manufacturer, importing distributor or distributor submitting the list.
- k** Payment in cash by the retail licensee shall mean payment in legal tender as provided by the United States Code, checks (including certified checks, cashier's checks, teller's checks or traveler's checks), debit cards, drafts and electronic transfer of funds, provided the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquor.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.100 Internal Changes Within Corporations**

All corporations, partnerships, co-partnerships, limited liability companies, or other non-natural "persons" licensed by the Illinois Liquor Control Commission must report to the Commission within 30 days all internal changes in the corporation, partnership, co-partnership, limited liability company, or other non-natural "person" pertaining to change of name, officers, directors and stockholders holding in the aggregate more than five percent of the corporation stock, and shall include the name, home address, sex, date of birth, social security number, position and percentage of ownership (if any) not previously reported. In the event that the ownership of the licensee corporation, partnership, co-partnership, limited liability company, or other non-natural "person" licensed by the Commission is by another or other such corporations, partnerships, co-partnerships, limited liability companies, or other non-natural "person," such licensee must report the name, home address, sex, date of birth, social security number, position and percentage of ownership (if any) of the individuals holding in the aggregate more than a five percent ownership interest in the corporation, partnership, co-partnership, limited liability company, or other non-natural "person."

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.110 Application Forms**

At least one person eligible to be issued, and to sign the application for, a liquor license must be 18 years of age or older (*e.g.*, officer, director, stockholder, manager, agent or partner.)

*Source: Added at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.120 Railroad Licenses**

- a** A railroad license shall be required for every club, buffet, lounge or dining car on a railway operating in the State of Illinois on which alcoholic liquors are sold or offered for sale. Likewise, a railroad license is required for every such railroad car to which deliveries of alcoholic liquors intended to be offered for sale or sold thereon are made within the State of Illinois, even though such offer for sale or sale will only be made beyond the borders of the State of Illinois.

- b** Only one application is required to be filed by each operator, but the application shall state thereon, or upon schedules submitted therewith, the names, numbers and classification of all cars for which a railroad license is required as provided in paragraph a above.
- c** A railroad license shall be issued for each car described in an application. Each license shall state the name, number and classification of the car to which it applies. Such license shall at all times be displayed in the car to which it applies in the manner provided in the Act, or the railroad licenses shall be maintained at the licensee's business premises in Illinois.
- d** If during any licensing period any car for which a license has been issued for any reason ceases to operate in or over the State of Illinois and another is substituted in its place, a new license will not be required for the car substituted, but the operator must transfer the issued license from the licensed car to the substitute car.
- e** It is the intent and purpose of this Rule to require a license for each car in which alcoholic liquors are sold or offered for sale in or over the State of Illinois. Any operator who, by reason of changes of schedules, additions of trains or equipment, or otherwise, increases the number of cars for which licenses are required beyond the existing number of licenses theretofore issued to such operator during that licensing period, shall make an application and receive a license for each added or additional car.
- f** A railroad license permits the sale of alcoholic liquors only for consumption upon the train on which they are sold. No railroad licensee or any agent or employee thereof, is permitted to sell and deliver to any purchaser any alcoholic beverage in an unopened original package.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.130 Books and Records**

- a** It is the duty of each manufacturer, importing distributor, distributor and foreign importer to keep at all times complete and accurate records of all purchases and all sales or other dispositions of alcoholic liquor, and complete and accurate records of alcoholic liquor produced, manufactured, compounded or imported, whether for the licensee or for another. All books and records, which manufacturers, distributors, importing distributors and foreign importers are required by the Act to keep, shall be preserved for a period of three (3) years, unless the State Commission in writing authorizes their destruction or disposal at an earlier date.
- b** Each such licensee is required to retain invoices and bills of lading covering sales of alcoholic liquors.
- c** Each manufacturer, distributor, importing distributor and foreign importer must at the time of sale of any alcoholic liquors render to the purchaser an invoice describing the alcoholic liquor sold, the date of sale, to whom sold and the quantity sold. Duplicate copies of all such invoices must be made and preserved by such manufacturer, distributor, importing distributor and foreign importer for audit purposes.
- d** Each manufacturer, distributor, importing distributor and foreign importer shall keep a ledger or other records giving the name, license number and expiration date, and address of each purchaser of alcoholic liquors and information concerning each purchase, including invoice number, date of sale, amount of sale and date of payment therefor.

- e It is the duty of each retail licensee to keep on the licensed premises invoices, or copies thereof, covering purchases of alcoholic liquor for a period of 90 days after such purchase, unless the State Commission has granted a waiver in response to a written request in cases where books and records are kept at a central business location within the State of Illinois. If granted a waiver, each licensee will be required to have at each location a copy of the waiver granting permission to have the invoices located at a central business location. A copy of the waiver must be available for inspection at the location of the business within 30 days of the date of the signed waiver. An administrative fee of \$10.00 per location, or \$100 maximum for businesses with multiple locations of 10 or more, will be assessed. Before any change is made in the central business location where the invoices are to be kept, the Illinois Liquor Control Commission should be notified and a new waiver request form must be submitted to the Illinois Liquor Control Commission for prior approval. The waiver will remain effective unless and until a new waiver request has been approved by the Illinois Liquor Control Commission. Periodic updates may be required.
- f Alcoholic beverages so salvaged outside of Illinois may not be imported into Illinois for purposes of sale pursuant to this Section. Prior to release of distressed merchandise for sale in Illinois, an affidavit by the insurance company's or common carrier's authorized representative must be presented to the Commission stating first-hand knowledge that the distressed merchandise was salvaged from a fire, flood, wreck or similar catastrophe which occurred within the State of Illinois, stating with particularity the time, place and nature of the occurrence, and a complete inventory of the items so salvaged, including the quantity, brand names and container sizes.
- g In the event the tax provided under Art. VIII of the Act [235 ILCS 5/Art. VIII] is unpaid on the distressed merchandise, the applicant shall make payment of the tax on such merchandise to the Department of Revenue, and evidence of payment must be presented to the Commission prior to release of such distressed merchandise for sale in Illinois.
- h An entity seeking to sell distressed merchandise shall also indicate on its letter of application to sell such distressed merchandise in Illinois whether the sale shall be by auction or to a designated licensee. If the sale shall be by auction, the time and place of the auction and the name of the auctioneer or other person authorized to sell such distressed merchandise shall be listed. If the sale is to be made directly to a given licensee or licensees, the name and address of the licensee or licensees, together with the current State retail liquor license number of such licensee or licensees, shall be listed. No sale may be made by auction to any person, firm or corporation not licensed under the provisions of the Act.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

#### **Section 100.140 Miniatures (Repealed)**

#### **Section 100.150 Salvaged Alcoholic Liquors**

- a Insurance companies or their duly authorized representatives may take possession of alcoholic beverages insured by such companies and damaged as a result of flood, wreck, fire or similar occurrence, for which insurance was provided.
- b Common carriers or their duly authorized representatives may take possession of alcoholic beverages transported by such carrier and damaged in transit.
- c Alcoholic beverages salvaged may be sold to retail licensees provided the conditions enumerated in this Section have been complied with. Alcoholic beverages so salvaged shall be referred to as "distressed merchandise".
- d Each container of alcoholic beverages sold pursuant to this Section shall be labeled to identify the goods as distressed merchandise. The letters on the label shall be no smaller than 12 point type, bold faced. The label shall be no less than two inches long and one inch wide, and shall be affixed diagonally over the regular label on each container prior to delivery to any retail licensee. The label once applied shall not be capable of removal without damaging the label or causing damage to the underlying product label. The following statement shall be printed on the label: "The alcoholic beverages contained herein have been designated distressed merchandise by the Illinois Liquor Control Commission. This container has been salvaged from a fire, flood, wreck or similar catastrophe. This label is not affixed by the manufacturer. Do not remove this label."
- e Any insurance company, common carrier, or representative of either, seeking to sell distressed merchandise shall first obtain a distributor's license from the Commission. The application shall provide, "The applicant seeks to sell distressed merchandise in Illinois." Retailer's licenses may also be applied for, if the insurance company, common carrier, or representative of either, seeks to sell alcoholic liquors to consumers in Illinois.
- i Written approval and release for sale made under this Section must first be obtained from the Commission. Approval and release shall not be issued until a physical inspection has been made of the merchandise by an authorized representative of the Commission in order to determine that the seller has complied with this Section. After any sale of distressed merchandise has been completed, the insurance company, common carrier, or their representative, shall report in writing to the Commission the name of the licensee or licensees who purchased the distressed merchandise and the quantities and brand names of such distressed merchandise.
- j In the event that the seller disposed of less than the entire inventory of distressed merchandise, the written report shall list the remaining inventory, indicating the quantity, container sizes and brand names, the place where such inventory is stored, and the person in control or possession of such inventory.
- k No distressed merchandise shall be sold in Illinois where the original packages have been so damaged as to render the label illegible, or when the substantive labeling requirements under Section 6-7 of the Act [235 ILCS 5/6-7] and under Section 100.70 are not complied with as a result of the damage to the container.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

#### **Section 100.160 Sanitation**

- a All licensees must conduct their business in premises which are at all times kept clean and sanitary. This applies not only to licensed premises, but to places of storage as well. This includes also the place of storage for materials and equipment used in the manufacture of alcoholic liquor.

**b** Cleaning Requirements

- 1** Each retailer, not using one of the systems referred to in subsection (b)(2), dispensing draught beer or wine shall have coils and other equipment used in drawing draught beer or wine cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible.
  - 2** Retailers utilizing systems such as “glycol,” “constant cold,” “electronic,” or “constant cleaning,” which are designed to prevent build-up of contaminants in the dispensing system, shall be required to have coils and other equipment used in drawing draught beer or wine cleaned at least once every two weeks in some manner or means, either chemical or mechanical, and monitor the operation of the system to determine it is operational and to verify its proper functioning, at least once every week.
  - 3** A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning and monitoring.
- c** No retail licensee shall offer for sale or possess on the licensed premises any bottles, casks or other containers of alcoholic liquor which contain any deleterious, contaminated, filthy, or putrid substance or insects.
- d** No licensed manufacturer or importing distributor shall fill or refill any container of alcoholic liquor unless such person possesses upon the licensed premises adequate and sanitary equipment for cleaning, washing and sterilizing such container and uses such equipment before filling or refilling a container.
- e** Pre-mixed alcoholic beverages and their containers must comply with all sanitation requirements found in this Section, along with all prohibitions against refilling found in Section 100.290(c). All pre-mix dispensing containers or systems must be drained, contents disposed of, and thoroughly cleaned at least once every week. For mechanical systems a record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

**Section 100.170 Taps**

- a** Each retail licensee selling malt beverages or wine on draught for consumption on the premises shall display a sign on, over or near each tap or faucet showing the trademark, brand or name of the alcoholic liquor. This sign must be visible to patrons for a distance of at least ten feet unless it is a service bar as defined in Section 100.10.
- b** Pursuant to subsection (a) of this Section, no licensee shall substitute any other brand of malt beverages or wine in place of the brand designated by such visible sign and the licensee shall be prepared at all times to serve any malt beverages or wine that are advertised by such sign or signs upon the premises.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

**Section 100.180 Procedure Before Commission on Citations**

- a** The Commission shall have the right to proceed by citation and notice of hearing to require any licensee of the Commission to appear at a time and place specified in said notice to show cause why its State liquor license should not be suspended or revoked or a fine imposed for violations of the Illinois Liquor Control Act or this Part. This Commission shall also have the

right to proceed by citation and notice of hearing against a licensee for failure to respond to any Commission correspondence. This correspondence shall include but is not limited to any Violation Discharge Letters, Offers in Compromise, and Pre-Disciplinary Conferences.

- b** All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to have been violated and the facts in detail upon which such allegation is based and shall be signed by the Chairman or any member of the Commission.
- c** The licensee against whom a complaint has been filed shall be entitled to be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing of said complaint.
- d** A citation and notice of hearing shall be served on the licensee named in the citation not less than 10 days prior to the date specified in said notice of hearing.
- e** The licensee named in the citation and notice of hearing shall appear at the time and place designated in the citation and notice of hearing.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

**Section 100.190 Procedure Before Commission on Request for Continuance of Any Hearing**

- a** A request for a continuance of any hearing in any matter before the Commission will not be allowed unless for a good and valid reason and unless made at least five (5) days prior to the date set for the hearing.
- b** The Commission may in its discretion grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

**Section 100.200 Wagering Stamps (Repealed)**

*(Source: Repealed at 8 Ill. Reg. 6041, effective April 19, 1984)*

**Section 100.210 Inducements**

- a** Distributors servicing, balancing, or inspecting draft beer or wine systems at regular intervals, and providing labor to replace or install rods, taps, faucets, fittings and lines in draft beer or wine dispensing equipment, shall not be considered a subsidy. However, free cleaning of coils by a distributor or by a company whose services are paid for by a distributor shall be considered a subsidy, or something of value in violation of Sections 6-5 and 6-6 of the Act [235 ILCS 5/6-5 and 6-6].
- b** Courtesy wagons and/or coil boxes and pumps may be supplied by a distributor free of charge one time per year for a one day period to a retail liquor licensee for picnics held by said retailer for the retailer’s customers. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee.
- c** Courtesy wagons and/or coil boxes and pumps may be supplied by a distributor for a picnic, carnival or social event that is given by or under the auspices or sponsorship of a municipal, religious, charitable, fraternal or social organization and that will be licensed as a Special Event Retailer. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.220 Retail Licensee Clubs (Repealed)**

*(Source: Repealed at 8 Ill. Reg. 6041, effective April 19, 1984)*

### **Section 100.230 Resumption of Business on Appeal**

- a** In any case where a licensee appeals to the Illinois Liquor Control Commission from an order of the local liquor control commission, fining, suspending or revoking a license, or denying a renewal application and in which latter circumstance said licensee shall have on deposit with the Local Liquor Control Commission an amount sufficient to cover the license fee for the renewal period and any bond that may be required, the licensee may resume the operation of the licensed business pending the decision of the Illinois Liquor Control Commission and the expiration of the time allowed for an application for rehearing.
- b** Second or subsequent Suspension or Revocation
  - 1** The foregoing shall not apply to the appeal of a suspension or revocation order entered by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed upon that licensee within the preceding 12-month period.
  - 2** In such event, the licensee shall cease all activity otherwise authorized by the liquor license.
- c** If in the event of a hearing upon a second or subsequent revocation as stated above, the State Liquor Control Commission reverses or modifies the action of the Local Liquor Control Commissioner, the licensee may immediately resume operation of the licensed business pursuant to the terms of the State Commission's order.
- d** If an application for rehearing is filed in either a first revocation, suspension or fine situation, or a second or subsequent revocation or fine that the State Commission has reversed or modified, the licensee may continue the operation of the licensed business until the denial of the application or if the rehearing is granted, until the decision on rehearing.

*(Source: Amended at 12 Ill. Reg. 19387, effective November 7, 1988)*

### **Section 100.240 Transactions Involving Use of Checks and Their Equivalent (Repealed)**

*(Source: Repealed at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.250 Transfer of Alcohol**

The holder of a retail license for the privilege of selling alcoholic liquors at retail on the premises specified in the license, for use or consumption, is hereby restricted to such sale from the licensed premises only and is not permitted to sell to, purchase from or transfer such alcoholic liquor to any other retail licensee or licensed premises. This Section does not apply to transactions not in the ordinary course of business, such as a business closure, if prior approval is given by the Commission.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.260 Uniform Systems of Accounts**

- a** It shall be the duty of all retail licensees of this Commission for the purpose of this Act, to keep the minimum uniform records described in this Rule at a location within the State of Illinois for the purpose of inspection at all reasonable times by representatives authorized in writing by the chairman or a member of the Illinois Liquor Control Commission, or by representatives authorized in writing by any local Liquor Control Commissioner that issues the local license.

- b** Retail licensees maintaining records on the cash basis:

- 1** A record of cash receipts from all sources. This record must be kept in accordance with the Rules and procedural requirements of the Illinois Department of Revenue, as set forth in the Retailers Occupation Tax Act [35 ILCS 120] and 86 Ill. Adm. Code 130: Subpart H.
- 2** A record of all cash disbursements for payment of merchandise purchases. This record must be documented by paid invoices or receipts.
- 3** A record of all cash disbursements for operating expenses (including rent, salaries, light, power and heat, payroll and other taxes) and all other expenses. This record shall show to whom payment was made and for what purpose.
- 4** Monthly or quarterly statements must be available for inspection disclosing cash receipts, cash disbursements for merchandise purchases and cash disbursements for operating expenses, and all other expenses, which will reflect the licensee's gross profit, net profit or loss, and the person or persons sharing directly or indirectly in the said net profit or loss. Where physical inventories are not taken quarterly, it will be permissible to determine gross profit on the basis of deducting purchases from sales.
- 5** A record must also be maintained of cash on hand and cash in the bank. Bank statements and canceled checks must also be on file.

- c** Retail licensees maintaining records on an accrual basis: Retail licensees who maintain records on an accrual basis may continue their present methods. This method of record keeping must also be one conforming to the Rules and Regulations of the Illinois Department of Revenue as cited above. The records of such licensees shall be documented in the same manner as those of licensees on the cash basis. In addition they shall maintain records supporting entries made for accruals of income and expenses.

- d** Beneficial interest:

- 1** All documents, including but not limited to bills of sale, contracts of purchase, evidence of mortgage indebtedness or leases of licensed premises, evidence of original capital investment, a record of who provided such capital funds and from what bank or other lender, if any, said funds were obtained, and any agreements for sharing profits other than on the basis of shares of stock owned or sharing of profits set forth in the articles of partnership, shall be maintained and available for inspection. Also, if the licensee is a corporation, a listing of all stockholders of record shall be maintained. If the licensee is a partnership, the articles of partnership shall be available for inspection.
- 2** Requirements for maintenance of records of beneficial interest specified under the preceding paragraph shall not be applicable to licensees having one or more classes of equity securities registered with the Securities Exchange Commission. Nor shall they be applicable to licensees of which more than 50 percent of the voting securities are owned by a company that would be exempted hereunder if it were the licensee.
- 3** Licensees availing themselves of the exemption stated in the preceding paragraph shall notify the Illinois Liquor Control Commission in writing that they are exempt under this provision, as above stated, and are filing annual reports with the Securities Exchange Commission, and that this exemption shall be effective so long as they are filing such annual reports.

- e Each retail licensee must also have available for inspection said licensee's Retailer's Occupation Tax Registration Certificate as issued by the Illinois Department of Revenue.
- f Each retail licensee of this Commission shall maintain and preserve the required records as set forth in this Rule for at least three calendar years.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.270 Multi-Use Facilities**

A multi-use facility, such as a hotel, conference center, stadium, or theater, which has been issued more than one local and State liquor license but has an identical Illinois Business Retailer's Occupational Tax number may store alcoholic liquor at one central location within the multi-use facility. The alcoholic liquor shall be invoiced and stored separately within the central location by State liquor license number for investigative purposes.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.280 Giving Away of Alcoholic Liquors**

- a No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b No licensee, individual, partnership, or corporation shall advertise or promote in any way, whether on or off-licensed premises, any of the practices prohibited under subsection (a) of this Section. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.
- c Subsection (a) shall not apply to test marketing or tasting.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.290 Refilling**

No retail licensee shall offer for sale, or possess on the licensed premises:

- a Any original package of alcoholic liquor which contains any kind or quality of alcoholic liquor other than that which has been sealed and labeled by the manufacturer or nonresident dealer.
- b Any original package of alcoholic liquor to which there has been added any water or other substance.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.300 Authorization to Remove Bottles**

- a When an authorized agent of the Commission finds or has probable cause to believe that any original package of alcoholic liquor, or other bottles, casks, or containers containing alcoholic liquor, is adulterated within the provisions of Section 100.290 of this Part or Section 6-22 of the Act [235 ILCS 5/6-22], said agent shall remove said package, bottle, cask or container from the premises together with such other sealed packages, bottles, casks or containers as may be necessary to test such suspect alcoholic liquor.
- b Any such packages, bottles, casks or containers determined by the Commission to be so adulterated shall be destroyed. However, any packages, bottles, casks or containers not so adulterated and all sealed packages, bottles, casks or containers removed for comparison testing shall, after the entry of an order, be returned to the licensee.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.310 Food Service at Park Districts**

- a Section 6-15 of the Act [235 ILCS 5/6-15] requires food service in buildings of golf courses owned by municipalities or park districts, if alcoholic liquors are to be delivered and sold in such buildings.
- b Said food service does not require the kitchen and dining room equipment called for in Section 1.23 of the Act [235 ILCS 5/1-3.23].
- c Said food service shall consist of the service of sandwiches of any kind, including hot and cold sandwiches, hot dogs, hamburgers, pizzas, tacos, and any other substantial foodstuff, excluding the service of peanuts, pretzels, potato chips, popcorn or ice cream cones.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.320 Airplanes**

The holder of an airplane license issued by the Commission shall be permitted to purchase alcoholic liquor whether from non-resident dealers, manufacturers, importing distributors, distributors, or foreign importers within the State of Illinois or outside of the State of Illinois on a non-tax paid basis and to file with the Illinois Department of Revenue, as may be required by the Department, a bond and monthly liquor gallonage reports, and make payment of gallonage tax due for those alcoholic liquors sold or dispensed in the State of Illinois. All of this is to be done in accordance with and in conformity with the procedures and standards set forth in Sections 8-1, 8-2, and 8-3 of the Act [235 ILCS 5/8-1, 8-2, and 8-3].

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.330 Advertising**

- a Pursuant to Sections 6-4, 6-5, and 6-6 of the Act [235 ILCS 5/6-4, 6-5, and 6-6], no retail licensee shall have any, direct or indirect, interest in or control of any advertising or promotional company which receives funds, directly or indirectly from, or for the account of, any manufacturer, non-resident dealer, broker, distributor, importing distributor or foreign importer of alcoholic beverages; nor shall any manufacturer, non-resident dealer, broker, distributor, importing distributor or foreign importer make any payment, direct or indirect, to any retailer or any other entity which provides advertising, promotional or display services for retailers in consideration of any advertising or promotional efforts of any kind not allowed under the Illinois Liquor Control Act or the rules and regulations of the Commission.
- b Nothing herein shall prohibit any manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer from sponsoring an event at a venue which sole purpose is to host live entertainment, provided that no indirect or direct payment is made to the retailer and that any reference to the retailer in any advertising is incidental to the event itself.
- c Subsections (a) and (b) above do not apply to a person holding a special event retailer's license.

*(Source: Amended at 21 Ill. Reg. 5542, effective May 1, 1997)*

### **Section 100.340 Petitions for the Adoption, Amendment or Repeal of a Rule**

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13], and Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5]

- a Any interested person may petition this Commission requesting the adoption, amendment or repeal of a rule. Such petition shall be submitted in writing to the Illinois Liquor Control Commission,

James R. Thompson Center, 100 West Randolph Street, Suite 5-300, Chicago, Illinois 60601; or 101 West Jefferson Street, Springfield, Illinois 62702. Six copies of each petition along with any supporting documents shall be submitted in the following form:

- 1** Petition for (Adoption, Amendment, Repeal) of (a) Rule (Rule No. if Applicable) of the Illinois Liquor Control Commission.
  - 2** I, (Name of Interested Party), do hereby petition the Illinois Liquor Control Commission to (Adopt, Amend, Repeal) (a) Rule (Rule No. if Applicable) for the following reasons:
  - 3** (State reasons as fully as possible. Attach or include any documentation for your reasons)
- b** If the petition is for the Adoption or Amendment of a Rule, attach a draft of the proposed adopted or amended Rule which you feel will adequately deal with the reasons you outlined for adoption or amendment.
- c** All such petitions shall be signed by the petitioner and shall state his or her address and phone number. A petition shall also state whether the petitioner is a licensee of this Commission or not, and whether they are related to or connected with any licensee of this Commission, and if so, in what capacity.
- d** Upon receipt of a petition in the proper form, such petition will be considered by the Commission. If the petition is granted, the petitioner will be notified in writing and the Commission shall initiate rule-making proceedings in accordance with Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5] and 2 Ill. Adm. Code 2075.100.
- e** If, within 30 days after submission of a petition, the Commission has not initiated rule-making proceedings in accordance with Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5] and 2 Ill. Adm. Code 2075.100, the petition shall be deemed to have been denied.

*(Source: Amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 28 Ill. Reg. 17386, effective November 10, 2003)*

### **Section 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner**

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]:

- a** In all cases where an appeal from an order or action of the local liquor control commissioner is filed with the Commission, the party filing the appeal shall furnish along with the petition to appeal:
- 1** a copy of the citation and notice of hearing before the local liquor control commissioner, if any
  - 2** a copy of the decision or order of the local liquor control commissioner
  - 3** a copy of any local ordinances charged to be violated
  - 4** the current State Retail Liquor License number of the establishment involved
  - 5** a statement indicating whether or not the licensee has, within the last 12-month period, had a suspension or revocation placed upon the licensee, and if so, all the details relating to the suspension or revocation thereto.
- b** In all cases where an appeal is to be heard upon the record, a certified official record of the proceedings taken and prepared by a certified court reporter, along with all exhibits, shall be filed by the local liquor control commissioner within 5 days after notice of the filing of the appeal, if the appellant licensee

pays for the transcript and five additional copies. The failure to file the certified official record of the proceedings before the local liquor control commissioner, without sufficient written explanation, shall result in the appeal not being docketed for hearing, as originally scheduled, or as continued by the Commission.

- c** The parties shall file eight copies of any documents filed in connection with the appeal. The failure to file eight copies of any document to be considered by the Commission shall result in the appeal not being docketed for hearing, as originally scheduled, or as continued by the Commission.
- d** Upon notice to the local liquor control commissioner that an appeal has been accepted by the Commission, Section 100.230 of this Part shall become effective, when applicable.
- e** All materials filed with the Commission shall be served upon the opposing party or parties in interest.
- f** Proof of service upon the opposing party or parties in interest shall accompany all materials filed with the Commission and served upon the parties. All documents shall be served upon the Commission by:
- 1** Personal delivery;
  - 2** United States mail, enclosed in an envelope, plainly addressed, with postage prepaid;
  - 3** Via facsimile machine, provided original documents with appropriate copies are also served via subsection (f) (1) or (2).
- g** All material filed with this Commission shall be filed at James R. Thompson Center, 100 West Randolph Street, Room 5-300, Chicago, Illinois 60601; or 101 West Jefferson Street, Springfield, Illinois 62702.
- h** The inability of any party to comply with the foregoing requirements shall be detailed in written communication to the Commission.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999; amended at 28 Ill. Reg. 17386, effective November 10, 2003)*

### **Section 100.360 Review on Record — Certification of Ordinance**

Pursuant to Sections 3-12, 3-13 and 7-9 of the Act [235 ILCS 5/3-12, 3-13 and 7-9] and the Illinois Administrative Procedure Act [5 ILCS 100]:

- a** In all cases where an appeal shall be on the record pursuant to the requirements of Section 7-9 of the Act [235 ILCS 5/7-9], the local liquor control commissioner shall file with the Commission a certified copy of the ordinance or resolution adopted which requires that review shall be on the record.
- b** Once the certified copy is filed with the Commission, it shall serve as proof of said resolution for all subsequent appeals from that local decision, upon a certified representation signed by the local liquor control commissioner that the resolution is currently in force and effect as applied to the pending matter.
- c** All parties may also stipulate that review shall be on the record.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.370 Procedures Before the Commission**

Pursuant to Sections 3-12, 3-13 and 7-6, of the Act [235 ILCS 5/3-12, 3-13 and 7-6] and the Illinois Administrative Procedure Act [5 ILCS 100]: The provisions of the Illinois Administrative Procedure Act concerning procedures in contested cases and licensing matters shall be applicable in all proceedings before this Commission on citations.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994)*

### **Section 100.380 Ex Parte Consultations**

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60]:

Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex-parte basis, neither commission members, Department of Revenue employees assigned to Commission functions nor hearing examiners shall, after notice of hearing in a contested case or licensing to which the procedures of a contested case apply under this Act, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative of such party, except upon notice and opportunity for all parties to participate. However, a Commission member may communicate with other members of the Commission or employees of the Department, and a Commission employee member, Department employee or hearing examiner may have the aid and advice of one or more personal assistants.

*(Source: Amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 28 Ill. Reg. 17386, effective November 10, 2003)*

### **Section 100.390 Transcripts — Administrative Review**

Pursuant to Section 7-11 of the Illinois Liquor Control Act [235 ILCS 7-11] and Section 3-109 of the Illinois Administrative Review Law [735 ILCS 5/3-109], any party seeking judicial review of any order of the Commission shall pay the cost of the transcripts of such hearings conducted by the Commission, which shall become a part of the official record. The party requesting administrative review in the Circuit Court shall pay to the Commission the costs of preparing and certifying the record of the proceedings before the Commission. Failure to make that payment prior to the time the Commission's answer to the complaint is due shall relieve the Commission of the necessity of filing the answer required in Section 3-108 of the Administrative Review Law and shall be authority for the entry of an order by the court, on motion therefor by the Commission, dismissing the complaint with costs.

*(Source: Amended at 23 Ill. Reg. 3787, effective March 15, 1999)*

### **Section 100.400 Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (Repealed)**

*(Source: Repealed at 26 Ill. Reg. 17966, effective December 9, 2002)*

### **Section 100.410 Representation of Licensees before the Commission (Repealed)**

*(Source: Repealed at 26 Ill. Reg. 17966, effective December 9, 2002)*

# Title 77: Public Health

## Chapter XVI: Liquor Control Commission

### Part 3500

### Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs

#### Section

3500.101	Programs Subject to Licensure
3500.105	Purpose of BASSET
3500.110	License Applications
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3500.125	Period of Licensure
3500.130	Acceptance for Processing
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3500.145	Exceptions for BASSET Programs
3500.150	Compliance With Local Government Ordinances
3500.155	BASSET Curriculum Requirements
3500.160	BASSET Programmatic Requirements
3500.165	BASSET Program Fee
3500.170	Sanctions
3500.175	Eligibility Requirements

**Authority:** Implementing and authorized by Section 3-12(a)(2) and (11.1) of the Liquor Control Act of 1934 [235 ILCS 5/3-12(a)(2) and (11.1)].

#### Section 3500.101 Programs Subject to Licensure

Programs designed to educate or train individuals who sell or serve alcoholic beverages at retail pursuant to Section 15-10(f) of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/15-10(f)].

#### Section 3500.105 Purpose of BASSET

The purpose of a BASSET program is:

- a provide information to sellers and servers of alcoholic beverages about the effects of alcohol and drug abuse; and
- b to provide the necessary skill development techniques to identify and/or intervene with patron use problems thereby reducing the incidence of patron misuse.

#### Section 3500.110 License Applications

- a Application forms may be obtained by writing to the Illinois Liquor Control Commission at 100 West Randolph Street, Suite 7-801, Chicago Illinois 60601 or at 101 West Jefferson Street, Springfield Illinois 62702.
- b Application forms shall be signed and dated.

(Source: Amended at 28 Ill. Reg. 17396, effective November 10, 2003)

#### Section 3500.115 Renewal Applications

- a The Illinois Liquor Control Commission ("Commission") shall provide each licensed program with a renewal application at least 60 calendar days prior to expiration of the licenses. Notification to the Commission must be given if license renewal forms are not received.
- b Applications for renewal must be received by the Commission not less than 30 days prior to expiration of the license, in order to guarantee that the renewal process is complete prior to expiration.
- c Applications for renewal shall be signed and dated.

#### Section 3500.120 License Fees

- a Application fees shall be due on application for each license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Illinois Liquor Control Commission. Payment shall not be in the form of U. S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.
- b The fee for application for a license is \$250 per year.

(Source: Amended at 24 Ill. Reg. 1630, effective January 14, 2000)

#### Section 3500.125 Period of Licensure

Each license issued by the Commission shall be effective for a period of one year.

(Source: Amended at 24 Ill. Reg. 1630, effective January 14, 2000)

#### Section 3500.130 Acceptance for Processing

- a Applications for licensure, or renewal of licensure, are deemed received by the Commission on the postmarked date.
- b Incomplete applications shall be returned to the applicant with a statement which lists the information which must be included. To avoid imposition of a new licensure fee, the application shall be resubmitted within 90 days after the date of the statement.

#### Section 3500.135 Non-Transferability of License

A license shall be valid only for the program named in the application for licensure. A license is not transferable or assignable to any new owner.

#### Section 3500.140 Change in BASSET Program Director or Services

All programs shall notify the Commission, in writing, within five working days when there is a new program director or any change in services.

#### Section 3500.145 Exceptions for BASSET Programs

- a Requests for exceptions to any provision of this Part shall be made in writing to the Executive Director and shall indicate the basis, rationale, and/or need for the exception.
- b The Executive Director shall grant an exception if:
  - 1 An applicant proves an economic hardship that limits his/her ability to participate in the program; or
  - 2 An applicant establishes that he/she is unable to meet a program requirement.
- c Any exception granted shall expire automatically at the end of the license period in which it was granted.
- d The Commission shall revoke any exception granted where the circumstances which give rise to the exception no longer exist. The program shall notify the Commission in writing within ten calendar days when the circumstances which gave rise to the exception no longer exist.

#### Section 3500.150 Compliance With Local Government Ordinances

Programs shall comply with any applicable local government ordinances relative to the provision of BASSET services, if applicable, and shall indicate such compliance at the time of application for licensure.

#### Section 3500.155 Curriculum Requirements

The program shall submit its curriculum to the Commission for review at the time of application for licensure. The curriculum shall include, at a minimum, information in the following areas of instruction:

- a Area 1: Physical Properties of Alcohol, Drugs & Alcoholism — Blood alcohol concentration (BAC), alcoholism, the effects of alcohol and/or drugs on driving performance. BAC levels related to body weight, gender and amount of alcohol consumed per hour.
- b Area 2: Prevention & Intervention Techniques — Maintenance of professional demeanor, use of alternative beverages, designated driver programs, visual and behavioral cues that may help participants recognize potential problems, assuring customer safety, refusal of service.
- c Area 3: Illinois State Statutes, Local Ordinances, Illinois DUI Laws — Laws pertaining to the sale of alcohol and the differences between civil and criminal charges and the penalties each carries, Illinois DUI laws and associated penalties.
- d Area 4: Proper Identification Techniques, Police Policies & Expectations — Secretary of State's procedures to ensure security of driver's licenses and State ID cards, other acceptable forms of identification and enhanced identification techniques. Proper use of municipal support services (police, fire and paramedic services).
- e Area 5: Dram Shop Liabilities, Insurance and Victim's Rights — "Vicarious liability", "third party liability", procedures for protection against possible litigation, State insurance requirements and legal terms used in litigation.

#### **Section 3500.160 BASSET Programmatic Requirements**

- a The BASSET program shall include a minimum of three hours of classroom instruction for off-premises sellers and four hours for on-premises sellers and servers. This instruction may be offered in one entire session or scheduled in increments over a specified period of time. The program time can be adjusted to take into account new, innovative teaching methods if approved by the Commission.
- b At the time of application for licensure, the program must specify how the required curriculum hours will be scheduled.
- c BASSET programs shall design and administer a pre-test and post-test to participants to assess the program's effectiveness and any increase in knowledge in the curriculum area. The pre-test and post-test must be submitted for review by the Commission at the time of application for licensure or prior to the provision of services.
- d BASSET programs shall issue a certificate to each participant that it determines has successfully completed the course.
- e BASSET programs shall submit at the time of licensing a listing of all BASSET instructors.
- f Within ten days after the completion of an approved training course, the BASSET licensee shall submit to the Commission a roster. The roster shall include: the name, address, telephone number and date of birth of each student who successfully completed the training course and passed the required examination; the name and company of the BASSET trainer that conducted the course; the date each participant successfully completed the course; and whether the course was off-premises instruction only. The Commission will then issue BASSET cards to those participants who successfully complete the course. Replacement cards will cost \$15. These cards must be carried by the person whose name appears on the card if involved in the selling and/or serving of alcoholic liquor and local ordinance mandates BASSET training. A BASSET licensee may issue a temporary card to any person who has successfully completed its course. The temporary

card shall be valid pending receipt of the card issued by the Commission but for no longer than 30 days after issuance of the temporary card.

- g Within 30 days after notification by the Commission, BASSET programs shall compile and submit, on a format designed by the Commission, a semi-annual report containing the following information:
  - 1 The number of participants trained during the reporting period.
  - 2 The number of BASSET courses scheduled and completed during the reporting period and the location of each course.
  - 3 The total fees charged for BASSET training per course during the reporting period.
  - 4 The number of businesses represented by participants completing BASSET programs and the respective counties of those businesses.
- h BASSET programs shall maintain a record of all participants who successfully complete BASSET training for a minimum of one year.

*(Source: Amended at 25 Ill. Reg. 13591, effective October 15, 2001; amended at 32 Ill. Reg 18300, effective November 14, 2008)*

#### **Section 3500.165 Program Fee**

Programs shall submit, at the time of application or renewal of licensure, a fee schedule indicating the cost, if any, of the BASSET program. The program must notify the Commission within five calendar days of any change to the fee schedule.

#### **Section 3500.170 Sanctions**

- a The Commission shall have the right to proceed by citation and notice of hearing to require any licensee to appear before the Commission at a time and place specified in the notice to show cause why its State BASSET license should not be suspended or revoked, or a fine imposed, for violations of this Part. The parties may also agree to settle matters without an appearance before the Commission.
- b Upon receipt of a complaint or upon having knowledge that a person is engaged as a seller/server trainer without a State BASSET license, the Commission may notify the local liquor authority, file a complaint with the State's Attorney's Office in the county where the incident occurred or where the main business office is located, or initiate an investigation with the appropriate law enforcement officials. The Commission may also use this information to deny an applicant a BASSET license.

*(Source: Amended at 25 Ill. Reg. 13591, effective October 15, 2001)*

#### **Section 3500.175 Eligibility Requirements**

No license shall be issued under this Part to any person found to be ineligible under Section 6-2 of the Liquor Control Act of 1934 [235 ILCS 5/6-2].

*(Source: Amended at 25 Ill. Reg. 13591, effective October 15, 2001)*