



ILCC News

Volume XXIII
Fall 2007

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www.state.il.us/LCC

Are you prepared for the smoking ban?



On July 23, 2007, Gov. Rod R. Blagojevich signed Senate Bill 500 "Smoke Free Illinois" into law (Public Act 095-0017). Since the signing of this law, Illinois Liquor Control Commission (ILCC) staff have received many questions from liquor licensees and municipal officials regarding the new State of Illinois smoking ban. Below are answers to some of the more frequently asked questions.

Q: When does the smoking ban take effect?

A: January 1, 2008.

Q: Is a "No Smoking" sign required in my state-licensed establishment?

A: YES. A "No Smoking" sign or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control of the place where smoking is prohibited.

Q: How do I order the required "No Smoking" signs?

A: Please visit the "Latest News" section on the ILCC home page www.state.il.us/LCC over the next few weeks for a link to the sign ordering form.

Q: Where should I post this sign?

A: Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

Q: What else am I required to do to be in compliance with the "No Smoking" law?

A: All ashtrays shall be removed from any area where smoking is prohibited.

Q: Can I create a designated smoking area INSIDE my state-licensed establishment?

A: NO. Current and future designated smoking areas are no longer allowed.

Q: Can I create smoking areas in an outdoor patio?

A: YES, as long as the designated smoking area is part of your licensed premises and is at least 15 feet away from ANY door and/or window that opens and/or ventilation intake.

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See Page 4 for FREE ILCC materials

Liquor licensees doing their job

TrAIL Program holds accountable those who provide alcohol to minors

The first year of the **Tracking Alcohol in Illinois (TrAIL)** Program is now in the books. As expected, statistics gathered during this inaugural year indicate the vast majority of underage drinkers are getting their alcohol from family and friends—and NOT Illinois liquor retailers.



Through the **TrAIL** Program, adults are held accountable when they provide alcohol to those underage. The program kicked off August 2006 in two pilot counties—Sangamon and Jackson—whose geographic and demographic mix best represented the State of Illinois as a whole. Both feature a mix of college students, city dwellers, suburban residents, and rural areas.

As the year moved forward, **TrAIL** — funded through a \$100,000 traffic safety grant from the Illinois Department of Transportation — expanded into the far west/northwest Chicago suburbs (Kane and McHenry counties in October 2006), northwest Illinois (Whiteside, Carroll, and Jo Daviess counties in December 2006), and most recently, into the growing far southwest Chicago suburbs (Kendall County this past February).

The **TrAIL** protocol is activated when underage drinking leads to injury or death. When this occurs, an Illinois Liquor Control Commission (ILCC) special agent conducts an investigation to determine where the alcohol originated. During the first year, ILCC agents were called in to investigate 28 incidents which resulted in 19 fatalities and 45 injuries. Liquor establishment employees were suspected of selling or serving minors in only three of these 28 cases.

“The **TrAIL** program has started a dialogue about the role of alcohol within our families,” says ILCC Industry Education Manager Ted Penesis. “**TrAIL** also sparked the passage of SB1625 (see “*Underage drinking...*” on page 7), punishing those who provide alcohol to minors.”

“We have found that many well-meaning, and otherwise law-abiding, parents feel like hypocrites when dealing with their child’s underage drinking,” Penesis continues. “They no longer need to feel this way; all they need to do is point out the law and how it will affect their family.”

Of course, enforcement programs like **TrAIL** and new laws like SB1625 only address underage drinking *after* it has occurred. With this in mind, the Liquor Commission remains committed to providing education that focuses on the consequences *before* underage drinking leads to tragedy.

During the coming months, a speaker tour will be visiting locales throughout Illinois as part of the ILCC’s **Don’t Be Sorry** underage drinking awareness campaign. During this tour, speakers will emphasize underage drinking’s health and legal consequences on both parents and students alike. If you are interested in hosting a **Don’t Be Sorry** speaking engagement at your school or upcoming community event, please call 312.814.4802 for more information.



ILCC News Article suggestions are welcome!

The Commission welcomes your input to enhance the ILCC News publication. If you have a suggestion for an article topic or a helpful hint to share with other licensees, please contact the Commission’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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Increased vigilance yields more violations

If you own a liquor license, chances are you met one of our Illinois Liquor Control Commission's (ILCC) special agents during the past year. These agents conduct inspections of liquor establishments on a regular basis.

While many of these inspections are conducted unannounced, in some instances, an agent may call the licensee to make an appointment. Please do not disregard this call. **Failure to reply**

to an inspection appointment is a fineable offense and will result in a violation for refusing an inspection.

During the past year, the Liquor Commission's inspection schedule was stepped up to ensure licensee compliance with the Liquor Control Act. This renewed commitment resulted in an increased number of violations. Below is a comparison of the top ten violations over the past three years.

Are you a top ten violator? (Number in parentheses indicates rank of violation during each year)

VIOLATION	FY 2007	FY 2006	FY2005
Contaminated liquor	1,238 (1)	746 (1)	835 (1)
Sale to minors	427 (2)	497 (2)	428 (2)
IBT (Illinois Business Tax) certificate not available	404 (3)	142 (6)	187 (8)
Pregnancy warning sign not displayed	402 (4)	285 (3)	274 (3)
90 days of invoices (or waiver) not available	382 (5)	141 (7)	198 (7)
Revenue certificate not attached to coin operated amusement devices	285 (6)	186 (4)	207 (4t)
State license not displayed	203 (7)	156 (5)	207 (4t)
Unsanitary taps	193 (8)	91 (8)	107 (10)
Liquor purchased at retail	131 (9)	67 (10)	110 (9)
State license not valid	119 (10)	—	—
Gambling on premises	—	80 (9)	203 (6)

(NOTE: Fiscal years run from July 1-June 30)

"Are you prepared for the smoking ban?" continued from page 1

Q: Can a separate room with its own entrance/exit be designated a smoke shop where smoking is allowed?

A: NO. Smoking is allowed only in establishments registered as a **retail tobacco store**.^{*} Smoking is NOT permitted in a tobacco department, section of a larger commercial establishment, or any establishment with any type of liquor, food, or restaurant license.

Q: Do I still have to enforce the smoking ban if my licensed establishment is a private club?

A: YES. All state-licensed facilities are required to ban smoking inside their establishment and outside their facility at a minimum distance of 15 feet from ANY door and/or window that opens and/or ventilation intake.

Q: Who is in charge of enforcing the smoking ban?

A: The Illinois Department of Public Health, state-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act and may assess fines. Any person may

register a complaint with the above agencies by calling a hotline number that will be in place prior to January 1, 2008.

Please keep in mind, additional rules are still being drafted as this issue went to press. The Illinois Department of Public Health is currently developing the "Smoke Free Illinois" website where final rules, a "No Smoking" sign ordering form, and further smoking ban information will be posted. Once this website goes online, a link to the new site will be provided under the "Latest News" section of our home page www.state.il.us/LCC, so please check the ILCC website periodically over the next few weeks.

^{*}A **retail tobacco store** is defined as a retail establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. The retail tobacco store shall annually file with the Department of Public Health by January 31 an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. Please review Section 10 of the Smoke Free Illinois Act (Public Act 095-0017) online at www.ilga.gov for more information about exemptions to the smoking ban.

Direct wine shipment bill signed by Gov. Blagojevich

Legislation will help Illinois' wineries stay competitive

In a move that will help Illinois wineries continue to expand, Gov. Rod R. Blagojevich signed legislation (Public Act 095-0634) that will allow wine producers to ship wine directly to residents of Illinois who are over the age of 21. House Bill 429, sponsored by State Rep. Edward Acevedo and State Sen. Ira Silverstein, represents an agreement between Illinois' wineries and liquor distributors concerning the direct shipment of wine to consumers.

"Illinois has a vibrant and growing wine industry, which is quickly becoming an integral part of the state's culture, as well as putting more and more people to work," says Gov. Blagojevich. "This legislation builds on our ongoing efforts to promote Illinois wineries, and allows them to continue to expand and remain competitive."

HB429 sets the fee for a wine shipper's license between \$250.00 and \$1,000.00, depending upon the size of the wine producer. Approved wine shippers must report how much wine they are shipping to Illinois residents and pay tax on wine shipped in the same fashion that wine manufacturers are taxed. Previously, direct wine shipments were only allowed in states that had reciprocity with Illinois.

"Illinois wine is an important contributor to our economy, and we are happy to be working together to create an equitable delivery system that benefits everyone. This legislation represents a win-win for Illinois consumers and businesses," states State Rep. Acevedo.

HB429 allows Illinois wineries to sell a limited supply of their product directly to consumers, with distributors handling the rest. Winemakers, both in-state and out-of-state, can sell up to twelve cases of wine a year directly to those of legal age in Illinois.

"With this legislation, Illinois' wineries and liquor distributors were able to come together with the state to advance our growing wine industry. My thanks to Gov. Blagojevich and all of our statewide partners," says State Sen. Silverstein.

Adds Illinois Liquor Control Commission (ILCC) Chairman Irving J. Koppel: "By buying directly from wineries throughout the United States, Illinois wine connoisseurs will likely save money and enjoy an expanded selection of wine choices. Additionally, this legislation will strengthen the fiscal health of Illinois' wine industry and increase the flow of tax dollars into our state."

The Liquor Commission will also conduct periodic alcohol compliance operations to investigate whether these direct wine shipments are being sold to persons under 21 years of age. "Through this legislation," notes Koppel, "the Liquor Commission will continue its commitment to combating underage drinking by ensuring direct wine shipments do not end up in the hands of our teens."

Featuring more than 68 wineries and approximately 450 grape growers across the state, the Illinois wine industry produces 500,000 gallons of wine per year and creates an annual economic impact of more than \$253 million.

Please note that HB429 does not go into effect until June 1, 2008. Prior to enacting this law, administrative rules must first be drafted by the ILCC and approved by the State's Joint Committee on Administrative Rules (JCAR). Future issues of *ILCC News* will contain more details on direct wine shipment once this rulemaking process has completed.

Order your FREE ILCC materials today!

The following FREE Liquor Commission materials are available to all licensees by visiting the web at www.state.il.us/LCC/IEmaterials.asp or calling 312.814.4802:

- Illinois Liquor Control Act and ILCC/BASSET Rules and Regulations.
- "Happy Hour Law" and "Just the Facts" fliers.
- Alcohol "Proof of Age" and "Pregnancy Warning" signs.

- BASSET Program Brochure and Age-Verification Guide.
- "We Card Hard" decal and Liquor Licensee Employee Training Guide.



Gov. Blagojevich signs law to protect teens from 'alcopop' advertising

Legislation prohibits marketing of flavored alcoholic beverages to minors

Governor Rod R. Blagojevich signed Senate Bill 1625 into law today (Public Act 095-0618), preventing the advertisement and promotion of flavored alcoholic beverages, or *alcopops*, to children. Alcopops are alcoholic beverages blended with fruit juice, lemonade or other flavorings. Examples include 'hard lemonade' and 'twisted tea.' The new law, sponsored by State Senator Carol Ronen and State Representative Greg Harris, fines companies that promote alcopops to minors \$500.00 for the first offense and \$1,000.00 for a second offense.

"Too often we let the advertising industry decide what our children see and consume. We need to stand up on behalf of Illinois children and protect them from advertising that entices minors to drink alcohol and break the law," says Gov. Blagojevich. "This legislation will protect those too young to deal with the responsibility and consequences associated with drinking alcohol."

SB1625, which becomes effective in June 2008, is aimed at reducing the marketing, promotion, and advertising of alcopops to minors. This includes cartoons and youth-oriented photos; sponsorship of athletic events where the intended audience is primarily children; billboards advertising alcopops within 500 feet of a school, public park, amusement park, or place of worship; and the display of any alcopop beverage in video games, theatre productions, or other live performances where the intended audience is primarily children.

Representatives from Governor Blagojevich's administration joined with the legislative sponsors of SB1625 and alcohol prevention advocates at TASC (Treatment Alternatives for Safe Communities), a non-profit organization headquartered in Chicago that works with teens and adults with alcohol substance abuse and mental health disorders. Lainie Krozel, Acting Executive Director of the Illinois Liquor Control Commission, presented a copy of the signed bill to Senator Ronen and Representative Harris and thanked them on behalf of the Governor for bringing this important to legislation to his desk.

"By signing this legislation, the Governor has sealed our commitment to reducing underage drinking. We are responsible for our children, and we need to fight outside influences pressuring them to break the law," says Sen. Ronen.

"Alcopop advertisers use the lure of youth and popularity to attract teenagers, especially the females, to their alcoholic products," says Rep. Harris. "We must protect children from the dangers of underage drinking by putting a stop to ads that make it look cool."

With one-third of teen girls having tried alcopops—and one out of six in the past six months—alcopops have become a "gateway beverage (for) less-experienced drinkers," according to a 2004 American Medical Association (AMA) poll. Another 2004 study found that girls aged 12-20 years were more exposed to alcopop ads in magazines than the targeted age group of 21-34 year-old women.

This law follows a 1998 court settlement, which prohibited the tobacco industry from targeting youth in ads and marketing. The settlement stipulated that cartoon characters such as Joe Camel were banned from tobacco advertising, promotions, packaging and labeling. Sale of tobacco brand merchandise, such as apparel and backpacks, was prohibited and event sponsorship was restricted.

"We are extremely pleased that Governor Blagojevich has signed Senate Bill 1625 into law. By signing SB1625, the Governor is demonstrating his national leadership in the fight against underage drinking. As we have seen in recent months in Illinois, underage drinking leads to the tragedy of teen deaths as a result of teens drinking and driving," says Sara Moscato Howe, CEO of the Illinois Alcoholism and Drug Dependence Association.

Fill-in forms now online

It is now easier and more convenient to enter information on all PDF forms located on our home page www.state.il.us/LCC. For example, if you wish to fill out a 90-Day Waiver Application or Request a One-Time Transfer of Alcoholic Liquor, data can be typed directly into the appropriate fill-in fields on the form. Please note, some fields require specific information to be entered (ie, fields that require dollar amounts or a date will accept numeric entries only).

Once completed, you can save this PDF file to your computer; however, **forms that require an original signature MUST be mailed or dropped off at one of our offices.** If the form does not include an original signature, it will be sent back to you, delaying your request. If you experience any problems while utilizing these new forms, please call 312.814.4802 for assistance.



Yorkville's Officer Groesch selected as BASSET Trainer-of-the-Quarter

By: Lee J. Roupas, ILCC BASSET Program Manager



Barry Groesch

As a 24-year veteran of the Yorkville Police Department, Officer Barry Groesch has played an integral role in alcohol server training by forming grassroots coalitions and conducting alcohol enforcement in the town of Yorkville and the surrounding area.

As a licensed BASSET trainer, his desire is to see Yorkville and the neighboring communities become

safer by reducing the number of alcohol-related incidents. Throughout his law enforcement career, Officer Groesch says he has seen too many tragedies involving minors and alcohol. These tragedies strengthened his resolve, and provided the impetus for him to prevent underage alcohol sales by getting citizens

involved to work with the local liquor establishments and parents. When asked what he enjoys most about being a licensed BASSET trainer, he replies, "I like the grassroots education and cooperation between the businesses and the police department."

Groesch believes BASSET training is effective, but adds, "Support and utilization of the training techniques has to come from the top management in order for it to work."

In his spare time Groesch, who is married and has two children, enjoys working with the Kendall County Explorers (a coed program that is part of the Boy Scouts) and is an "adrenaline junkie" who likes going on high adventure trips.



Schedule an education and training seminar in your area

By: Lee J. Roupas, ILCC BASSET Program Manager

For the last several years the Illinois Liquor Control Commission has reached out and formed partnerships with mayors, local liquor commissioners, law enforcement, community groups and the alcoholic beverage industry to address the issues of responsible alcohol service, drunk driving prevention and deterring underage sales of alcohol.

In the past, seminars have benefited liquor licensees and their staff by providing the proper education and training to serve alcohol responsibly, detecting fake ID's, and offering the skills necessary to deal with intoxicated patrons. By having both the state of Illinois Liquor Control Commission along with the local government and law enforcement present, licensees and their servers can be informed of the laws on both levels of government.

Seminars take place during the week at 2:00 PM and usually last an hour and a half. Meeting locations are held in village halls, community centers or civic centers. For more information and to schedule an education and training seminar, contact Lee Roupas at 312.814.0773 or lee.roupas@illinois.gov.

For owners, managers and servers:

Check for Behavioral Cues:

Slowed Reactions

- a Slurred speech
- a Glassy eyes
- a Loss of train of thought

Lowered Inhibitions

- a Talking loudly
- a Mood changes

Impaired Judgment

- a Inappropriate comments
- a Foul language
- a Feeling of invincibility

Poor Coordination

- a Stumbling
- a Cannot stand up straight
- a Sleepiness
- a Fumbling objects

IF YOU SPOT ANY OF THESE BEHAVIORAL CUES
STOP SERVICE!!

For more information on BASSET training contact
Lee Roupas at 312.814.0773 or lee.roupas@illinois.gov

Underage drinking can now result in a felony

Legislation increases penalties for parents who knowingly allow underage drinking that results in injury or death

On August 31, Governor Rod R. Blagojevich signed Public Act 095-0563 (Senate Bill 158), which underscores adults' responsibility for preventing underage drinking. SB158, sponsored by State Senator Susan Garrett and State Representative Karen May, increases the penalty to 1-3 years in prison and up to a \$25,000 fine for parents who knowingly allow underage alcohol consumption in their home and the drinking leads to serious injuries or death. This bill is in response to a tragic car crash that killed two Deerfield teens and injured three others who had been drinking at a house party last October.

"Last year we grieved with a high school in Deerfield that lost two students in a car crash after parents allowed teen drinking in their home," says Gov. Blagojevich. "As parents, we have a responsibility to protect young people from harm, even when it's not popular. This legislation will send a clear message to parents that they will face stiff penalties, including prison, if they knowingly allow kids to drink alcohol in their home."

SB158 amends the Liquor Control Act by changing parents' and guardians' liability and punishment for incidents of underage alcohol consumption in the home. The new legislation, which took effect immediately, increases the penalty to a Class 4 felony for a parent if they allowed underage drinking in their home and bodily harm or death resulted. This would include an underage drunk driving crash, alcohol poisoning, and other incidents leading to injury or death involving an underage drinker. An exception is allowed for a parent/guardian who provides alcohol to underage individuals for religious observance.

The impetus of the bill was a tragic car crash in which two teens died and three others were injured during homecoming weekend last year in Deerfield, a Chicago suburb. The Deerfield couple that allowed teen drinking at a party at their home was charged with a misdemeanor, the maximum charge. Under the new legislation, officials could charge parents or guardians with a felony in similar situations.

Debra Trypak, a Glenview mother who lost her son two years ago, is a strong advocate for laws protecting minors from acquiring alcohol. Her son, Joey, died after an area liquor store sold alcohol to minors. She subsequently supported the state's effort last year in tracking alcohol purchases, entitled **TrAIL (Tracking Alcohol in IL)**, currently underway in eight Illinois counties (*See page 2*).

"The state has made it a priority to reduce underage drinking, and I commend the Governor for his commitment in this fight," says Ms. Trypak. "Cases like Deerfield are still an all-too-common occurrence in our state. With programs like **TrAIL** and laws like SB158, parents and retailers know that the state is serious about solving this problem and protecting our kids."

"I hope this law will be another milestone to ensure cooperation between parents, teens and law enforcement when it comes to underage drinking. Our goal is to keep our communities stronger, our parents more involved and our teens safer," says Sen. Garrett.

"The accident in Deerfield hit our community hard last year," adds Rep. May. "We saw that parents need to be parents and stop destructive behavior rather than ignore it. This legislation will send a message to parents throughout the state that we do not tolerate lax attitudes toward alcohol."

Top 10 reasons to Card Hard

10. You face disciplinary action and possible loss of business.
9. You become a "lawbreaker" by serving underage.
8. A person underage does not care about you or your business and will do what it takes for you to sell them alcohol.
7. A person underage will try to fool you any way possible and trick you into selling them alcohol.
6. A person underage will use an older sibling's ID.
5. You will more than likely encounter an ID that has been tampered with.
4. A fake ID will be made or purchased through the Internet.
3. You will get fired if you don't "do the math" when checking IDs.
2. You face greater likelihood of alcohol-related mishaps when underage drinking is present.
1. If you sell to a minor, your establishment will be targeted for future purchases by fellow underage friends.



Illinois Liquor Control Commission



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Commissioners



Lottery retailers get big bonuses!

Looking for a fun way to increase your store traffic and expand your bottom line? You should consider becoming an Illinois Lottery retailer.

Lottery products are popular with all segments of your customer base, and offer outstanding selling bonuses. In fact, you can receive a \$20,000 bonus for selling a single winning instant ticket; online retailers (those that sell Lotto, Mega Millions, etc) receive selling bonuses of up to \$500,000!

When you join the team of Lottery retailers across Illinois, you will have the opportunity to increase store traffic and increase your store profits.



Benefits of becoming an Illinois Lottery retailer include:

- 5% commission on all Lottery tickets sales.
- 1% bonus commission on winning tickets sold that have a prize value of \$1,000 or more.
- All tickets sold on consignment.
- Eye-catching point-of-sale material and signage are provided free of charge.
- Continuous support and assistance from Lottery sales.

Becoming a retailer is easy. Fill out an application and submit a \$50 application fee. Upon approval, you will be trained and selling Lottery tickets in no time.

For more information, call 312.793.3026 or visit the web at www.illinoislottery.com. You can also pick up an application at all Lottery or Illinois Liquor Commission offices. Sell Illinois Lottery tickets at your store... and Have a Ball!