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Illinois Liquor Control Commission

COVID-19 Compliance

Frequently Asked Questions

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Q. As a bar or restaurant, may I permit beverages and/or food to be consumed in an outdoor area next to or near my indoor licensed premises?

A. A licensee **may not permit** persons to remain on its licensed premises or in any outdoor area owned or controlled by the licensee or the owner of the licensee.

Such outdoor areas could include, but are not limited to, beer gardens, outdoor patios, sidewalk cafes, parking lots, lawn areas, and fields.

A bar or restaurant owner is liable for permitting all violations of state law pursuant to Executive Order 32 that may occur on the licensed premises or that are related to the conduct of the licensed business.

Q. If the local liquor control commission authorizes my licensed business to permit the on-premises consumption of food and/or beverages, can I permit such activity?

A. On April 30, 2020, the Governor extended the Stay at Home Order. Pursuant to Executive Order 2020-32, it is imperative that licensed businesses continue to abide by the business restrictions required by the Order which include prohibiting the on-premises consumption of food and beverages on the licensed premises. The Commission will continue to enforce the Governor's Executive Order until the end of the Disaster Proclamation period even if a local official formally authorizes a licensee to violate the Executive Order.

Q. **Can I sell "cocktails to go"?**

A. The State Commission has authorized retail licensees, subject to local approval, the privilege of selling alcoholic beverages for off premises consumption. The only caveat is that the alcoholic beverages must be in the "original container" (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5). A retailer may sell a "cocktail kit," which would consist of a **non-alcoholic** cocktail mix, such as margaritas or bloody marys, and an alcoholic beverage in the **sealed original manufacturer's container**. The important factor is that the alcoholic beverage is sold in the sealed original container (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5). Pursuant to 235 ILCS 5/6-6.5, growlers or crowlers may only be filled with beer. Please see the "To-Go" Sales and Delivery of Premixed Cocktails" guidance document on our website for additional information.

Q. **If I have an active state liquor license but my business is closed or I conduct sales and delivery for off-premises consumption only, do I still need to maintain liquor liability/dramshop coverage?**

- A. The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for closed businesses or businesses conducting off-premises sales and delivery only. Businesses SHALL NOT open or conduct on-premises sales of alcoholic liquor without maintaining liquor active liability/dramshop coverage. Businesses that re-open or conduct on-premises sales of alcoholic liquor without the active liquor liability/dramshop coverage will be prosecuted.

IMPORTANT: License holders must check with the local commissioner and local ordinances verify local laws do not require continued insurance coverage for closed businesses or businesses conducting sales and delivery for off-premises consumption only.

Q. When is Governor Pritzker’s “Stay at Home” Order effective?

- A. Beginning March 21, 2020 at 5:00 pm and continuing for the remainder of the duration of the Gubernatorial Disaster Proclamation.**

- Q. If I am a liquor store that does not sell food, may I remain open while the Stay at Home Order is in place?

- A. Yes. If the liquor store sells “alcoholic and non-alcoholic beverages.” Per the Stay at Home Order: “Grocery stores, pharmacies, certified farmers’ markets, farm and produce stands, supermarkets, convenience stores, **and other establishments engaged in the retail sale of** groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, **alcoholic and non-alcoholic beverages**, and any other household consumer products (such as cleaning and personal care products)” are Essential Businesses that may remain open.

IMPORTANT: “Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements.” See Section 15 of the Stay at Home Order (published on ILCC website) for all critical social distancing requirements.

- Q. If I am a convenience store that sells alcoholic liquor and other food and non-food items, may I remain open while the Stay at Home Order is in place?

- A. Yes. Per the Stay at Home Order: “Grocery stores, pharmacies, certified farmers’ markets, farm and produce stands, supermarkets, **convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products)**” are Essential Businesses that may remain open.

IMPORTANT: “Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements.” See Section 2(15) of the Stay at Home Order (published on ILCC website) for all critical social distancing requirements.

- Q. Can a restaurant/bar/brew pub/distiller pub, etc. continue to sell for off-premises consumption, for curbside pickup, for drive-through service, for home delivery, or through other similar mechanisms of sale and delivery?

- A. Yes. Subject to local liquor commission authority, all license holders having the authority to sell

alcoholic liquor at retail may continue to sell and deliver alcoholic liquor in the original container for off-premises consumption.

Per the Stay at Home Order “Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out” are Essential Businesses. This would include delivery of alcoholic liquor only.

Q. Can on-premise or off-premises licensed establishments accept deliveries from beer, wine and liquor wholesalers?

A. Yes.

Per Section 2(12)(t) of the Stay at Home Order, alcoholic liquor manufacturers and distributors are Essential Businesses and Operations: "Manufacturing companies, **distributors**, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, **food and beverage**, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations."

Q. As a distiller, may I convert my business to manufacturing hand sanitizer and continue to operate after the Stay at Home Order?

A. Yes. A distiller making hand sanitizer is an Essential Business per the Stay at Home Order:

"Manufacturing companies, distributors, and supply chain companies producing and **supplying essential products** and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals **and sanitization**, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.

Distillers must abide by federal distilled spirits plan guidelines as stated in this bulletin: <https://www.fda.gov/media/136289/download>

Also, see this link for further instructions:

<https://www.fda.gov/drugs/drug-registration-and-listing-system-drls-and-edrls/electronic-drug-registration-and-listing-instructions>

Distillers are also required to abide by any other relevant state and local law.

Q. Can an on-premise ONLY liquor license holder sell for off premise consumption and deliver alcohol?

A. Yes, if authorized by the Local Liquor Control Commission and if licensee abides by off-premises sales rules including selling alcoholic liquor in the original container only.

Q. Can an on-premise ONLY liquor license holder allow customers into premises for video gaming?

A. No, pursuant to an [order](#) issued by the Illinois Gaming Board, all licensed video gaming operations must cease 9pm on March 16, 2020.

- Q.** I have a private party scheduled at my licensed venue, ex: wedding. Do those events need to be cancelled?
- A.** Yes.
- Q.** Are we allowed to receive liquor deliveries during the weeks we are closed?
- A.** Yes, but product returns for beer are permitted no later than March 23, 2020. Product returns for wine and spirits must be conducted pursuant to Commission bulletin.
<https://www2.illinois.gov/ilcc/News/SiteAssets/Pages/COVID/COVID19WineandSpiritsReturn.pdf>
- Q.** Do we need to contact our vendors to make sure they do not deliver to our bar or restaurant?
- A.** If you choose not to accept deliveries, please contact your distributor and make all necessary arrangements.
- Q.** Are golf courses, social clubs, and private clubs with on-premises liquor licenses allowed to remain open?
- A.** Yes. Golf courses may re-open but only under the strict guidelines published by the Illinois Department of Commerce and Economic Opportunity "Golf Operational Restrictions"
<https://www2.illinois.gov/dceo/Documents/Golf%20With%20Restrictions.pdf>
- Q.** Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?
- A.** No.
- Q.** Can on-premise licensed establishments have private meetings, private events, weddings etc.?
- A.** No, all on-site premises consumption is suspended.
- Q.** Can on premise licensed establishments have private events if the event brings their own alcoholic beverages?
- A.** No.
- Q.** Can growlers and crowlers be sold curbside or drive through?
- A.** On-premises license holders that are currently authorized to sell to sell growlers and crowlers for off-premises consumption may continue to do so pursuant to the conditions set forth in 235 ILCS 5/6-6.5 and the Executive Order.
- Q.** Can "Combined" on and off-premise license holders continue to sell packaged alcoholic liquor if they don't sell for on-premise consumption?
- A.** Yes. Combined on and off-premise license holders may continue to sell packaged alcoholic liquor consistent with Illinois law if they are properly licensed.

Q. Can patrons who purchase pick up meals eat these meals on patios, decks or other area's on licensee's property?

A. No. Consumption on patios, decks or other areas on licensees' property is consider on-site consumption.

Q. Which agencies or law enforcement entities will be enforcing all the new restrictions?

A. All agencies with law enforcement authority, including but not limited to Illinois Liquor Control Commission, Illinois State Police, Illinois Department of Public Health, and Local Law Enforcement may coordinate and enforce the new restrictions as appropriate.

Q. Is the Stay at Home Order statewide or is it only for the County of Cook?

A. The Stay at Home Order is statewide.

Q. Can a retailer that sells carry-out food also sell beer to-go as well.

A. Yes, if authorized by the Local Liquor Control Commission and beer is sold in the original container (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5)

Q. Can alcoholic liquor be sold and delivered to a private home?

A. Subject to the approval of the Local Liquor Control Commission, licensees authorized to conduct retail sales of alcoholic liquor are permitted to provide home delivery of alcoholic liquor in the original container (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5).

Q. Can alcoholic liquor be sold for curbside pick-up?

A. Subject to the approval of the Local Liquor Control Commission, licensees authorized to conduct retail sales of alcoholic liquor are permitted to provide curbside pickup of alcoholic liquor in the original container (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5).

Q. What are the laws that govern drive-through liquor windows?

A. Subject to the approval of the Local Liquor Control Commission, licensees authorized to conduct retail sales of alcoholic liquor are permitted to provide drive-through service of alcoholic liquor in the original container (or growlers/crowlers sold pursuant to 235 ILCS 5/6-6.5).

Q. How are grocery stores affected?

A. Grocery stores are not permitted to sell alcoholic liquor for on-premise consumption or conduct tastings. They may continue to sell alcoholic liquor for consumption off-premise if they abide by the Social Distancing requirements of the Stay at Home Order (Section 2(15)).

Q. May a hotel/motel with a liquor license continue to sell food and beverages via room service, mini-bar or to go?

A. Yes, Hotels and motels may sell food and beverages to the extent used for lodging and delivery or carry-out food services.

Q. May a non-resident dealer or manufacturer of alcoholic liquor sell or deliver alcoholic liquor to a licensed distributor if the distributor has not expressly authorized such sale and delivery?

A. No.

Q. May a retailer return beer to a licensed distributor?

A. Yes. Beer may be returned for any reason authorized by the Illinois Liquor Control Act (235 ILCS 5/6-5.5) OR for any reason if the beer was purchased and delivered to the retailer on or before March 23, 2020 and subject to the acceptance and legal conditions of the return required by the distributor.

Q. May a retailer return wine and spirits to a licensed distributor?

A. Yes, but only if the return is expressly authorized by the Illinois Liquor Control Act (235 ILCS 5/6-5.5) or the Illinois Liquor Control Commission Bulletin titled "Wine and Spirits Returns."
<https://www2.illinois.gov/ilcc/News/SiteAssets/Pages/COVID/COVID19WineandSpiritsReturn.pdf>

Q. My license expires on March 31, 2020. Do I have to renew the license to purchase and sell alcoholic liquor?

A. Licenses that expire March 31, 2020, April 30, 2020, May 31, 2020 and June 30, 2020 have been extended to July 31, 2020. Licensees are encouraged to renew their licenses as soon as they can through their MyTax Illinois Account.

Q. My license was reported on the ILCC Delinquent List? Can I still purchase wine and spirits from a distributor?

A. The licensed retailer may file a bona fide dispute with the Illinois Liquor Control Commission. While the dispute is pending, the retailer will be removed from the Delinquency List. The Commission encourages settlements between distributor and retailer. A delinquency reported as a bona fide dispute will not be resolved until or after the next meeting of the Commission. Please see ILCC website for "Guidance on Retailer Delinquency" for instructions.

- Q.** May a brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub or distilling pub conduct curbside delivery, home delivery or other similar means of sale?
- A.** Under special temporary circumstances related to the COVID-19 outbreak, alcoholic liquor manufacturers, brew pubs and distiller pubs may deliver alcoholic liquor if the licensee holds a local retail liquor license and if the local liquor control commission authorizes delivery sales. If the manufacturer does not hold a local retail license, it is not authorized to conduct retail sales of alcoholic liquor in any form.