



Governor JB Pritzker  
Cynthia Berg, Chairman  
Chimaobi Enyia, Executive Director

100 West Randolph Street, Suite 7-801, Chicago, IL 60601  
300 West Jefferson Street, Suite 300, Springfield, IL 62702

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Illinois Liquor Control Commission

COVID-19 Compliance

Frequently Asked Questions

**Updated June 2, 2020**

Q. Can I sell “cocktails to go”?

A. Yes. A State of Illinois retailer licensee(1A Retailer) may sell and deliver a mixed drink or cocktail for off-premises consumption strictly under the conditions set forth in the bulletin titled: “Sales and Delivery of ‘To Go’ Mixed Drinks or Cocktails” dated June 1, 2020 and 235 ILCS 5/6-28.8.

**Local municipalities may prohibit or further restrict the sales and delivery of “to go” mixed drinks/cocktails. Licensed retailers should contact the local liquor control commissioner prior to engaging the sales and delivery of “to go” mixed drinks/cocktails to ensure compliance with local law.**

The authorization to sell “cocktails to go” is scheduled to expire on June 2, 2021.

Q. My license has expired or will expire in the upcoming months. Am I required to renew my license?

A. State law automatically has extended the renewal of your liquor license. You will not be required to renew your license until December 31, 2020 (unless further extended by future Executive Orders).

**IMPORTANT: If you are able to renew your license before December 31, 2020, it is highly recommended that you renew it as soon as possible in order to avoid administrative delays later. You are encouraged to visit [MyTaxIllinois.gov](http://MyTaxIllinois.gov) to renew your license online. You may not receive additional renewal notices prior to December 31, 2020.**

Q. It has been more than 30 days since I paid my distributor for a wine and/or spirits delivery. May I continue to purchase wine and spirits from a distributor if I have not fully paid the debt?

A. Yes. State law has suspended the enforcement of the wine and spirits Delinquency List until 30 days after the beginning of Phase 4 of the Restore Illinois Plan. Until that time, it is not a violation of the Liquor Control Act for a distributor to sell and deliver wine and spirits to a licensed retailer who has an existing unpaid debt for a prior wine and spirits purchase and delivery (over 30 days).

Q. Do I still need to pay the debt I owe to a distributor?

A. Yes. State law does not forgive the debt owed by a retailer to a distributor. 30 days after the beginning of Phase 4 of the Restore Illinois Plan, a retailer who still owes a debt to a distributor will be placed on the Delinquent List again and will not be allowed to purchase wine and spirits from any distributor until the full debt is paid.

Q. If I owe a debt to a distributor, does the distributor have to extend credit for a wine and spirits order?

A. No. A distributor may choose to sell wine and spirits to a retailer “cash on delivery” (cash or cash equivalent like a check). If a distributor chooses to extend credit to a retailer, it shall be required to extend credit to all similarly situated retailers. Distributor criteria for extending credit to a delinquent retailer shall not be based on the volume of business transactions between distributor and retailer.

Q. Where may I permit beverages and/or food to be consumed?

A. Full-service restaurants, limited-service restaurants, snack and nonalcoholic beverage bars, taverns, and other food services and drinking places licensed to serve food, beverages and liquor for consumption by the relevant local jurisdiction and State Liquor Control Board, if applicable, that can follow all minimum guidelines outlined in this document.

In Phase III, services for Restaurants and Bars should be limited to:

- Outdoor dining and/or drinking only; **and**
- Parties of 6 persons or fewer.

A dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:

- i. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
- ii. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
- iii. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
- iv. Any other outdoor dining and drinking areas authorized by local governments provided that food and drinks are prepared by licensed food or liquor establishments and that proper social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer.

This guidance is subject to State and local liquor control, food safety, and other applicable laws and regulations. **Businesses may be subject to additional regulations for outdoor dining and/or drinking areas by units of local government and local health departments.**

Please visit this link for the “Restore Illinois” Phase 3 “Restaurants and Bars For Outdoor Dining Guidelines” <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/restaurantbars.pdf>

See also the “Restaurant and Bars” Toolkit: <https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits/restaurantbars.pdf>

Q. May a Local Liquor Control Commission extend or designate an outdoor dining and/or drinking area to include a contiguous or adjacent public sidewalk, beer garden, patio, public street, private parking lot, or other similar outdoor area not previously licensed?

- A. Yes, a Local Liquor Control Commission may extend or designate an outdoor dining and/or drinking area to include a contiguous public sidewalk, beer garden, patio, adjacent public street, private parking lot, or other similar outdoor area not previously licensed or customarily designated for eating and drinking. **If the local liquor control commission DOES NOT require additional licensing, there is no requirement for the licensee to file a State Special Use Permit application to extend the licensed address.**
- Q. In what situation would a licensee be required to file an Illinois Liquor Control Commission Special Use Permit for Phase 3 privileges?
1. If the Local Liquor Control Commission requires additional local licensing or permitting for a previously unlicensed adjacent public street, private parking lot, or similar unlicensed area, **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application.**
  2. If a Local Liquor Control Commission issues a temporary local license or permit which designates an outdoor dining and/or drinking area to include a non-contiguous and non-adjacent location with a substantially different address (from the currently licensed location), **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application**

**NOTE: The issuance of a Special Use Permit (or, if necessary, a Not-for-Profit Special Event license) during Phase 3 of the Restore Illinois Plan is solely for the purpose of “dining and drinking.” Local Liquor Control Commissions should not extend or designate licensed areas for the purposes of a street fair, summer festival or similar event involving a high concentration of event attendees.**

- Q. How do I apply for and what are the requirements for a Special Use Permit license?
- A. In order to qualify for a Special Use Permit liquor license, the licensee shall:
- Complete and submit Special Use Permit application:  
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Special%20Use%20Permit.pdf>
  - Obtain and submit evidence of local approval (e.g. special license, letter from the local liquor control commissioner authorizing special use location);
  - Obtain and submit certificate of insurance for liquor liability for the special use premises. Insured location must include specific special use location.

#### **Application/Document Submission Instructions**

- **Deferring Payment/No Prior Application** – If the applicant chooses to defer the Special Use Permit fee OR has not previously filed a Special Use Permit application, the applicant shall email the application and document attachments to [LCC.Licensing@illinois.gov](mailto:LCC.Licensing@illinois.gov).  
**Payment for a 1 day Special Use Permit is \$100.00. Payment for 2 or more days is \$150.**  
Payment in the above amount shall be made by check through the mail on or before 12/31/2020 to Illinois Liquor Control Commission, 100 W. Randolph St., Suite 7-801, Chicago, IL 60601 or 300 W. Jefferson, Suite 300, Springfield, IL 62702. **REFERENCE your State Liquor License Number (ex. 1A-XXXXXX) and/or your licensed business address OR attach a copy of your Special Use Permit Application.**

- **Immediate Processing with No Payment Deferral – Option Available June 1, 2020** - If the Special Use Permit applicant does not choose to defer the license fee payment until 12/31/2020, the Applicant may apply for the Permit online in MyTaxIllinois.gov. (Option only available for licensees who have previously obtained a Special Use Permit).

Q. A Special Use Permit is limited to a maximum of 15 days per location per year. May a Special Use Permit issued under Phase 3 of the Restore Illinois Plan be extended?

A. For any Special Use Permit issued for outdoor dining and/or drinking pursuant to Phase 3 of the Restore Illinois Plan, the fifteen day limit on Special Use Permits is waived until 15 days after the first day of Phase 4 of the Restore Illinois Plan OR the last special use day authorized by the Local Liquor Control Commission, whichever is first. Special Use Permit holders must cease outdoor dining and/or drinking activity no later than the first of the above cited days.

Q. What is the best way for a local liquor control commission to extend or designate the outdoor dining and/or drinking area?

A. A local liquor control commission may require a local licensee to submit any documentation necessary to extend or designate an outdoor dining and/or drinking area. It is highly recommended that the local liquor control commission:

1. Review and affirmatively approve (if decided) all extended or designated outdoor dining and/or drinking areas.
2. Require licensees to submit a site plan and floor plan clearly designating the borders of the extended or designated outdoor dining and/or drinking area.
3. Require the licensee to post the site plan and floor plan on the extended or designated outdoor dining and/or drinking area.
4. Require licensees to erect physical barriers like stanchions or temporary fencing around the perimeter of the extended or designated outdoor dining and/or drinking area.
6. Communicate in writing to the licensee that the extended or designated outdoor dining and/or drinking area is temporary and has a specific termination date (e.g. at the conclusion of Phase 3 or Phase 4 of the Restore Illinois Plan).
7. Any other necessary requirements, conditions, and restrictions.

Q. May I erect an overhead tent or other covered but open physical structure to offer outdoor dining and/or drinking per Phase 3 of the Restore Illinois Plan?

A. Yes. Tents are permissible if:

- there are no side enclosures or “if at least 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening;” and
- the tent or other structures are approved by local officials and abides by all existing ordinances and statutes relevant to the tent or physical structure.

Q. May I permit outdoor dining and/or drinking area patrons to use indoor restrooms?

A. Yes, but only if the licensed business strictly abides by all retailer related guidelines and uses toolkits:

<https://dceocovid19resources.com/assets/Restore-Illinois/businessstoolkits/restaurantbars.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/retail.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businessstoolkits3/retail.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businessstoolkits/all.pdf>

Q. What are the hours of operation of my outdoor dining and/or drinking area?

A. The hours of operation for an outdoor dining and/or drinking area are established by the Local Liquor Control Commission and enforced by local law enforcement.

Q. I am not licensed to conduct on-premises sales (packaged only). May I offer outdoor dining and/or drinking pursuant to Phase 3 of the Restore Illinois Plan?

A. Outdoor dining and/or drinking is authorized only for license holders with the authority to conduct on – premises sales and service of alcoholic liquor. No license holders with packaged sales only authorization will be permitted to conduct outdoor dining and/or drinking.

Q. I am a tavern and do not hold a license of any kind to serve food. May I offer outdoor drinking?

A. No, unless you are authorized by the Local Liquor Control Commission to sell and serve alcoholic liquor in the following manner:

- On the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); OR
- In indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening.

Q. May a local liquor control commissioner designate an outdoor dining and/or drinking area to be on government owned property?

A. 235 ILCS 5/6-15 states that “corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance ... that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county.”

Q. May a local liquor control commissioner designate an outdoor retail licensed premises to be within 100 feet of a church, school, hospital, home for aged or indigent persons or veterans (or their spouses and children) or military or naval stations.

A. 235 ILCS 5/6-11 states that a liquor license may be issued within 100 feet of the above cited locations under the following conditions:

1. To “places where sale of alcoholic liquors is not the principal business carried on” (outside Chicago); OR
2. If the local liquor control commissioner “grant[s] an exemption” to the 100 foot rule prohibition “if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.”

Q. How may I serve food and beverages if my business does not have access to an outdoor seating area?

A. Please consult your local liquor control commission to determine if any “other outdoor dining and/or drinking areas” could be authorized for your establishment.

Q. If the local liquor control commission authorizes my licensed business to allow indoor consumption of food or beverages without restrictions or contrary to the Phase 3 outdoor dining and/or drinking rules, may I permit such activity?

A. No, Phase 3 of the Restore Illinois Plan still prohibits all forms of indoor food and beverage consumption except “[i]ndoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening.”

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

A. Yes, if conducted according to the Phase 3 Restore Illinois Plan related to outdoor dining and/or drinking (as cited above).

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

A. The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for closed businesses or businesses conducting off-premises sales and delivery only. Businesses SHALL NOT sell alcoholic liquor for consumption in any indoor or outdoor area of the premises without maintaining active liquor liability/dramshop coverage. Businesses that re-open for outdoor dining and/or drinking in Phase 3 of the Restore Illinois Plan or conduct on-premises sales of alcoholic liquor without active liquor liability/dramshop coverage will be prosecuted.

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

Q. When is Governor Pritzker’s Phase 3 Restore Illinois Plan effective?

A. Beginning May 29, 2020 and continuing for the duration of Phase 3 of the Restore Illinois Plan (date to be determined).

Q. If I am a liquor store that does not sell food or a convenience store that sells food and liquor, may I remain open during Phase 3 of the Restore Illinois Plan?

A. Yes, per Executive Order 38, all retailers may open under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity:

IMPORTANT: Please see this link for the Phase 3 business retailer guidelines and toolkit:  
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/retail.pdf>  
<https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits3/retail.pdf>  
<https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits/all.pdf>

- Q.** Can on-premises or off-premises licensed establishments accept deliveries from beer, wine and liquor wholesalers?
- A.** Yes, per Executive Order 38, all businesses may open, accept deliveries, and distribute products under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity: <https://dceocovid19resources.com/assets/Restore-Illinois/businessstoolkits/all.pdf>
- 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 licensed distiller make manufacturer alcoholic liquor or making hand sanitizer under the conditions set forth in this federal 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.** How may golf courses sell food and beverages?

- A.**
- Clubhouses should remain closed.
  - Halfway houses are permissible for takeaway service and outdoor seating consistent with the outdoor restaurant guidance.
  - Beverage carts are permissible.
  - Restaurants can remain open for takeaway service and outdoor seating consistent with the outdoor restaurant guidance. The indoor dining room should remain closed.
  - Food and beverages may be purchased to be consumed on the course.

See this link for further instructions:

[https://www2.illinois.gov/dceo/RestoreIL\\_DOCS/J011328%20DCEO%20Restore%20IL%20-%20Guidelines%20-%20Golf%20restrictions%20-%20r7.pdf#search=golf](https://www2.illinois.gov/dceo/RestoreIL_DOCS/J011328%20DCEO%20Restore%20IL%20-%20Guidelines%20-%20Golf%20restrictions%20-%20r7.pdf#search=golf)

- Q.** May social clubs or private clubs with on-premises liquor licenses permit the consumption of food and beverages on the premises?
- A.** Clubs may permit groups of 6 or less people to conduct outdoor dining and/or drinking under the conditions set forth herein. If not conducting outdoor dining or drinking, EO 38 prohibits all gatherings of more than 10 people. All gatherings should abide by all social distancing and sanitation requirements.
- Q.** Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?
- A.** No.
- Q.** Can on-premises licensed establishments have private meetings, private events, weddings etc.?

A. No, unless the party is in an outdoor dining and/or drinking area and is for 6 or less people (There may be a gathering of 10 or less people with proper distancing but they cannot consume food or beverage unless in groups of 6 outdoors).

Q. Can on-premises licensed establishments have private events if the event brings their own alcoholic beverages?

A. No, unless the party is outdoor dining and/or drinking area, is for 6 or less people, and BYO service is permitted by the licensee and local licensing jurisdiction.

Q. Can growlers and crowsers be sold curbside, via drive through or via home delivery?

A. On-premises retailers and beer manufacturers that are currently authorized to sell growlers may continue to do so pursuant to the conditions set forth in 235 ILCS 5/6-6.5 and temporary delivery guidance bulletins.

Q. Can a business licensed to conduct the retail sales **on the premises only**, sell beer, wine and spirits in the original package over the counter, for curbside pickup, for drive-through service, for home delivery, or through other similar sale and delivery options?

A. Yes. Subject to local liquor commission authority and on a temporary basis, all on-premises only retailers may sell and deliver alcoholic liquor in the original package over the counter, for curbside pickup, for drive-through service, and for home delivery (by retailer or 3<sup>rd</sup> party home delivery service). (Businesses licensed to manufacture alcoholic liquor are temporarily authorized to deliver alcoholic liquor in the original package).

Q. How may "to go" mixed drinks and cocktails be sold and delivered?

A. Only on-premises retailer licensees (1A licensees) may sell and deliver cocktails to go and only under the conditions set forth in the bulletin titled: "Sales and Delivery of 'To Go' Mixed Drinks or Cocktails" dated June 2, 2020 and 235 ILCS 5/6-28.8. A retailer licensee may not sell and deliver "to go" mixed drinks or cocktails by way of a drive-through or through a 3<sup>rd</sup> party home delivery service.

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 Phase 3 of the Restore Illinois Plan statewide or is it only for the County of Cook?

Phase 3 of the Restore Illinois Plan is statewide but the State is broken into four regions as indicated in this link:

<https://coronavirus.illinois.gov/sfc/servlet.shepherd/document/download/069t000000BadS0AAJ?operationContext=S1>

Each region could be able to move through the phases of the reopening process independent of the others.



**Q.** How are grocery stores affected?

**A.** Grocery stores are not permitted to sell alcoholic liquor for on-premises consumption unless they are licensed for on-premises consumption and operate an outdoor dining and/or drinking area pursuant to the Phase 3 Restore Illinois guidelines. Grocery stores may continue to sell alcoholic liquor for consumption off-premise under the retailer business guidelines.

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/retail.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits3/retail.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits/all.pdf>

**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. Hotel restaurants may continue to provide room service and carry out and permit outdoor food consumption in accordance with the outdoor dining and/or drinking guidelines set forth herein.

**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. See ILCC Bulletin for COVID related beer returns:

<https://www2.illinois.gov/ilcc/News/SiteAssets/Pages/COVID/COVID%20product%20returns.pdf>

**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.** 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 in the original package if the licensee holds a local retail liquor license and if the local liquor control commission authorizes delivery sales. These license holders are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias). If the manufacturer does not hold a local retail license, it is not authorized to conduct retail sales of alcoholic liquor in any form.

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

A. No, pursuant to an [order](#) issued by the Illinois Gaming Board, all licensed video gaming operations must cease (updated April 30, 2020).

<https://www.igb.illinois.gov/FilesPressReleases/Extension%20of%20Statewide%20Gaming%20Suspension%20.pdf>

Q. May bars and restaurants in airports, hospitals and college and university dining halls permit on-premises consumption?

A. Yes. Bars and restaurants in airports, hospitals, and college and university dining halls are exempt from on-premises indoor consumption restrictions but should follow general rules related to retailers and the bars and restaurants toolkit:

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/retail.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits/restaurantbars.pdf>

Q. Can licensed caterers operate?

A. Yes. Per EO 38, caterer services may continue if the catering is not conducted at indoor commercial locations or gatherings of more than 10 people (unless part of the same household or residence).