

Illinois Liquor Control Commission

COVID-19 Compliance

Frequently Asked Questions

Updated June 26, 2020

Q. When is Governor Pritzker's Phase 4 Restore Illinois Plan effective?

A. Beginning June 26, 2020 and continuing for the duration of Phase 4 of the Restore Illinois Plan (date to be determined).

Q. Is Phase 4 of the Restore Illinois Plan statewide or is it only for specific counties?

A. Phase 4 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>

As of June 26, 2020, all Illinois regions have progressed to Phase 4 (although it is possible some regions may progress to Phase 5 or regress to Phase 3 at future dates).

Q. Where can I find all necessary information on Restore Illinois Phase 4 reopening procedures?

A. The Illinois Department of Commerce and Economic Opportunity (hereafter "DCEO") website for Phase 4 Guidelines for Reopening. <https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/>

Other relevant links:

Indoor and Outdoor Restaurant/Bar Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>

Indoor and Outdoor Restaurant/Bar Phase 4 Guidelines:

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>

Meetings and Social Event Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/meetings-and-social-events/>

DCEO Meetings and Social Event Phase 4 Guidelines

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>

DCEO Retailer Homepage

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/retail/>

DCEO Retailer Phase 4 Guidelines

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>

- Q. How and where may I permit food and beverages to be consumed on my licensed premises?
- A. At indoor and outdoor licensed locations, per Department of Commerce and Economic Opportunity requirements:
1. [Seated areas] Area capacity should be determined by arranging seating to provide a minimum of 6 ft. between tables or other designated patron service areas.
 2. [Standing areas] Maximum occupancy of 25% of standing area capacity
 3. 10-person party limit
 4. Configure space to allow for at least 6-ft. of distance between tables or other designated patron service areas; if tables/ booths cannot be moved, employers should only use every other table/ booth to allow for separation between patrons of unrelated parties
 - i. Bar seating should be spaced 6-ft apart to maintain social distancing between patrons of unrelated parties
 - ii. [Booths only] Employers may use consecutive booths to serve patrons of unrelated parties only if employer installs an impermeable barrier with a height of 6-ft or greater from the floor between booths. Use of barriers should not impede entry/ exit or impose a fire risk. Use of plexiglass is a best practice
 5. To the extent possible, patrons should wait for services off premises, either outdoors and maintaining social distance of 6-ft with use of recommended face coverings or in their vehicles. Patrons can wait in waiting area, but should adhere to 6-ft distancing guidelines
 6. Live music is permitted but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged; additional guidelines for performers can be found in the Theaters and Performing Arts guidelines

7. Before allowing external supplier or non-patron visitor (excluding third-party visitors providing carryout services only) to enter, or while requiring them to wait in a designated area, employer should ask whether external supplier or visitor is currently exhibiting COVID-19 symptoms
 - i. If practical, employer should take external supplier or non-patron visitor temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)
8. Keep log of all external suppliers who enter premises
9. Suppliers and other non-patron visitors should wear face coverings over their nose and mouth when entering premises (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face-covering)

Encouraged best practices

1. If practical, alter hours of operation to adequately spread out patron traffic and allow for additional cleaning time.
2. Stagger shift start and end times to minimize congregation of employees during changeovers
3. If practical, group employees in clusters and schedule groups on same shifts to reduce cross-team exposure
4. Limit contact between external suppliers and employees
5. Restrict suppliers from entering premises and if practical, have deliveries dropped at door
6. Before allowing entrance, employers should ask whether patron is currently exhibiting COVID-19 symptoms
 - i. If practical, employer should take patron temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)

Q. What are the limitations on indoor/outdoor occupancy for a bar or restaurant?

- A.
 1. Tables of no more than 10 persons per group are required to be 6 feet or more apart.
 2. Occupancy for standing areas is limited to no more than 25% of the standing occupancy area.

Q. Does Phase 4 allow outdoor special events?

- A. General admission public gatherings are not permitted in Phase 4. Therefore, the Illinois Liquor Control Commission will not issue a special event retail liquor license for events anticipating general admission gatherings. License issuance for non-general admission events will be considered on a case by case basis to determine if the event qualifies under Phase 4 restrictions.

Q. Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?

- A. Per DCEO guidelines, "Shopping mall food courts and grocery and convenience store dining, drinking and self-service areas should follow Restaurant and Bar guidelines." Therefore, alcohol tastings are permitted under all of the DCEO requirements mandated for restaurants/bars and retail stores. See the following links:

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/retail/>

- Q. I am a tavern or brewer with a tap room and do not hold a license of any kind to serve food. May I offer indoor/outdoor drinking at a bar or at tables WITHOUT DINING?

- A. Yes, as long as the business complies with the table and standing requirements of the restaurant/bar guidance.

<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>

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

- A. Yes, a Local Liquor Control Commission may extend or designate a licensed premises 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 4 outdoor privileges?

1. If the Local Liquor Control Commission requires additional local licensing or permitting for a previously unlicensed adjacent public street, private parking lot, or similar unlicensed area, **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application.**
2. If a Local Liquor Control Commission issues a temporary local license or permit which designates

an outdoor dining and/or drinking area to include a non-contiguous and non-adjacent location with a substantially different address (from the currently licensed location), **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application**

NOTE: The issuance of a Special Use Permit (or, if necessary, a Not-for-Profit Special Event license) during Phase 4 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.
Payment for a 1 day Special Use Permit is \$100.00. Payment for 2 or more days is \$150.
Payment in the above amount shall be made by check through the mail on or before 12/31/2020 to Illinois Liquor Control Commission, 100 W. Randolph St., Suite 7-801, Chicago, IL 60601 or 300 W. Jefferson, Suite 300, Springfield, IL 62702. **REFERENCE your State Liquor License Number (ex. 1A-XXXXXX) and/or your licensed business address OR attach a copy of your Special Use Permit Application.**
- **Immediate Processing with No Payment Deferral** - If the Special Use Permit applicant does not choose to defer the license fee payment until 12/31/2020, the Applicant may apply for the Permit online in MyTaxIllinois.gov. (Option only available for licensees who have previously obtained a Special Use Permit).

- Q. A Special Use Permit is limited to a maximum of 15 days per location per year. May a Special Use Permit issued under Phase 4 of the Restore Illinois Plan be extended?
- A. For any Special Use Permit issued for outdoor dining and/or drinking pursuant to Phase 3 or 4 of the Restore Illinois Plan, the fifteen day limit on Special Use Permits is waived until 15 days after the first day of Phase 5 of the Restore Illinois Plan OR the last special use day authorized by the Local Liquor Control Commission, whichever is first. Special Use Permit holders must cease outdoor dining and/or drinking activity no later than the first of the above cited days.
- 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 4 of the Restore Illinois Plan?
- A. Yes. Tents are permissible under Phase 4 requirements for Restaurants/Bars as long as the licensee complies with the conditions of Phase 4 service including:
1. Tables of no more than 10 persons per group are required to be 6 feet or more apart;
 2. Occupancy for standing areas is limited to no more than 25% of the standing occupancy area.

- Q. What are the hours of operation of an outdoor area operating pursuant to Phase 4 Restaurant/Bar requirements?
- 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 4 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 are permitted to conduct outdoor dining and/or drinking.
- Q. May a local liquor control commissioner designate an outdoor food and beverage consumption area to be on government owned property?
- A. 235 ILCS 5/6-15 states that “corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance ... that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county.”
- Q. May a local liquor control commissioner designate an outdoor retail licensed premises to be within 100 feet of a church, school, hospital, home for aged or indigent persons or veterans (or their spouses and children) or military or naval stations.
- A. 235 ILCS 5/6-11 states that a liquor license may be issued within 100 feet of the above cited locations under the following conditions:
1. To “places where sale of alcoholic liquors is not the principal business carried on” (outside Chicago); OR
 2. If the local liquor control commissioner “grant[s] an exemption” to the 100 foot rule prohibition “if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.”
- Q. How may I serve food and beverages if my business does not have access to an outdoor seating area?

A. Please consult your local liquor control commission to determine if any outdoor food and beverage consumption area could be authorized for your establishment.

Q. If the local liquor control commission authorizes my licensed business to allow on-premises consumption of food and beverages without restrictions or contrary to the Phase 4 restaurant/bar requirements, may I permit such activity?

A. No, Phase 4 of the Restore Illinois Plan still places restrictions on indoor/outdoor food and beverage consumption across the State which local law cannot override.

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

A. Yes, if conducted according to the Phase 4 Restore Illinois Plan related to indoor/outdoor food and beverage consumption for restaurants/bars.

Q. If I am a liquor store that does not sell food or a convenience store that sells food and liquor, may I remain open during Phase 4 of the Restore Illinois Plan?

A. Yes, all retailers may open under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity: <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>

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

A. Yes, all businesses may open, accept deliveries, and distribute products under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity referenced as "External Interactions."

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>

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

Q. May social clubs or private clubs with on-premises liquor licenses permit the consumption of food and beverages on the premises?

A. Yes. Indoor/outdoor food and beverage operations should be conducted pursuant to the DCEO Guidelines for restaurants/bars. <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>

Clubs may also permit 50 guests OR 50% of overall room capacity for private events or meetings pursuant to DCEO guidelines. <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>

Q. Can on-premises licensed establishments have private meetings, private events, weddings etc.?

A. Indoor and outdoor private events and meetings are permitted but are limited to lesser of 50 guests OR 50% of overall room capacity. See DCEO link for other social event and meeting requirements: <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>.

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

A. Yes but the private event is limited to lesser of 50 guests OR 50% of overall room capacity and only if BYO service is permitted by the licensee and local licensing jurisdiction.

Q. Can growlers and crowlers 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 3rd party home delivery service). (Businesses licensed to manufacture alcoholic liquor are temporarily authorized to deliver alcoholic liquor in the original package).

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

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

Q. How are grocery stores affected?

A. Grocery stores are not permitted to sell alcoholic liquor for on-premises consumption unless they are licensed for on-premises consumption. If they are licensed for on-premises consumption, grocery stores shall follow the Phase 4 requirements for bars/restaurants. Grocery stores may continue to sell alcoholic liquor for consumption off-premise under the retailer business guidelines.

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>

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

A. Yes. Hotel restaurants may provide indoor/outdoor food and beverage consumption at licensed establishments per the Phase 4 restaurant/bar guidelines.

<https://dceocovid19resources.com/assets/RestoreIllinois/businessguidelines4/restaurantbars.pdf>

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, wine or spirits to a licensed distributor?

A. A retailer shall not return beer, wine, and spirits to a distributor unless under expressly authorized by the Illinois Liquor Control Act (235 ILCS 5/6- 5.5).

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. Local deliveries only are permitted. Shipments by way of a common carrier are not authorized.

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

A. Yes but only pursuant to the Illinois Gaming Board guidelines titled "Protocols for Resumption of Video Gaming Operations" (Updated June 17, 2020)

<https://www.igb.illinois.gov/FilesPressReleases/Updated%20Illinois%20Video%20Gaming%20Resumption%20Protocols.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 should follow indoor food and beverage requirements for bars/restaurants.

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>

Q. Can licensed caterers operate?

A. Yes. Caterer services are permitted for indoor and outdoor private events and meetings but are limited to lesser of 50 guests OR 50% of overall room capacity. See DCEO link for other social event and meeting requirements: <https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>.

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. 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 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 but this allowance will end on July 27, 2020. State law suspended the enforcement of the wine and spirits Delinquency List until July 27, 2020. Until that 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. On July 27, 2020, a retailer who still owes a debt beyond 30 days 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. **Therefore, it is highly recommended that a retailer pay all outstanding wine and spirits invoices that are or will be over 30 days due as soon as possible.**

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

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

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

A. The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for **closed businesses or businesses conducting off-premises sales and delivery only.** Businesses SHALL NOT sell alcoholic liquor for consumption in any indoor or outdoor area of the premises without maintaining active liquor liability/dramshop coverage. Businesses that re-open for indoor/outdoor alcohol beverage consumption in Phase 4 of the Restore Illinois Plan without active liquor liability/dramshop coverage will be prosecuted.

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