



ILCC News

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Governor signs social host law

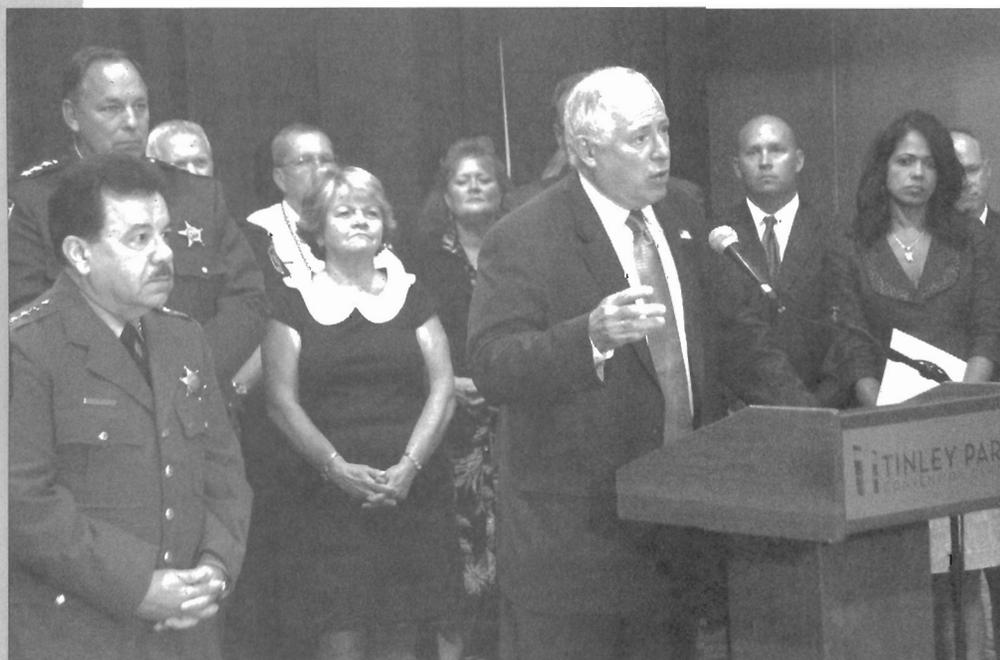
Illinois Governor Pat Quinn signed HB 1554 into law (Public Act 97-1049) on August 22, 2012, further defining the important role adults play in keeping alcohol out of the hands of our children.

Sponsored by State Representative Carol Sente and State Senator Susan Garrett, this new "social host" legislation closes a loophole of legal accountability when adults knowingly allow alcohol consumption by minors. The law takes effect this coming New Year's Day.

"By protecting our youth, we protect our future," says Gov. Quinn. "Adults know it is unacceptable to allow underage drinking in their home. By putting a *social host law* on the books, we are sending a strong message to all adults that they will be held responsible when allowing this harmful activity."

Violators of the social host law will be guilty of a Class A misdemeanor and subject to a fine of not less than \$500.00 when they knowingly authorize or permit underage drinking. The adult will be subject to a Class 4 felony if the violation results in great bodily harm or death to any person.

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Looking on as Gov. Quinn speaks at the "Social Host Law" signing ceremony are (left to right) Illinois State Police Director Hiram Grau, President Timothy Swanson of the Illinois Association of Police Chiefs, Round Lake Beach Trustee Judy Armstrong, the Liquor Commission's Laura Murphy, Mundelein Deputy Police Chief John Monahan, and ILCC Director Gloria Materre.

See page 6 for parent tips to prevent underage drinking



Letter from the Director

Gloria L. Materre, Executive Director, Illinois Liquor Control Commission

Trudging through the often bewildering array of state and local liquor laws can be quite challenging. While many of the laws may appear unnecessary at first glance, the justification for these laws become clear after a more thorough review.

The laws exist in many instances because the public has been harmed by a particular activity. For example, Illinois' first "social host" law (see cover story on for the latest legislation regarding social hosting) was passed in 2007 following the deaths of two high school students after drinking at the home of a classmate when parents were home.

This is why the Illinois Liquor Control Commission's (ILCC) most critical role is in assisting licensees on how to operate within the confines of the law. Based on this, we have compiled a few answers to some of the more frequent questions we receive regarding liquor regulation.

Tastings and samplings

A healthy liquor economy is important to the industry. The ILCC encourages and supports tastings and samplings of alcoholic products. This also includes *test marketing* of products which can be a valuable research tool in product development, production, and marketing.

Product samplings, however, must be performed on the premises of licensed retail establishment. No tastings or samplings can legally be conducted elsewhere; for example, "in-home tastings" and product samplings at a flower shop are strictly prohibited. Also, tasting sample sizes can be no larger than 4 ounces of beer, 1 ounce of wine and ¼ ounce of spirits. Up to three samples per day may be given to a person over the age of 21 years.



A manufacturer, distributor, importing distributor, or their designated "tasting representative" may furnish retailers with cups and napkins free-of-charge during these tastings. In other words, the parties involved are not subject to an "of-value" violation during tastings and samplings.

New Year's Eve packages

While many licensees have already begun preliminary planning for New Year's Eve festivities, you may be on a path of no return if you are not aware of the happy hour laws. New Year's is often one of the most profitable nights, but be sure to follow the rules so you can ring in the New Year properly and not be caught by our liquor agents, who will be scouring press clips in search of *Happy Hour* violations of private functions promoted improperly in advertisements. Make sure your private functions are truly private and not advertised to public invitees.

New Year's Eve meal packages can include alcohol, but only if the focus of the package is on the meal itself, and a "reasonable limitation" has been placed on the amount of drinks included in the package.

Catering special events

"Caterer retailer" licensees can serve alcohol as part of a package, but only if it is an "incidental part of

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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.

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Managing Editor:
Ted Penesis

ILCC Website:
www.state.il.us/LCC

ILCC Email:
ilcc_info@mail.state.il.us

Chicago Office

100 West Randolph Street
Suite 7-801
Chicago, IL 60601
Phone: 312.814.2206
Fax: 312.814.2241

Springfield Office

101 West Jefferson
Suite 3-525
Springfield, IL 62702
Phone: 217.782.2136
Fax: 217.524.1911

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“Social host law” continued from page 1

However, a person will not be in violation if he or she has taken all reasonable steps to prevent this activity from occurring. Also, no charges will be filed if assistance is requested from law enforcement after discovery of the illegal activity.

“Gov. Quinn recognizes that friends and family remain the primary source of alcohol for underage drinking,” says ILCC Executive Director Gloria L. Materre. “Just as our liquor licensees are punished when selling to minors, all adults will now be subject to penalties should they provide alcohol to minors.”

Muudelein Police Chief and Lake County Underage Drinking Prevention (LCUDP) Task Force Co-Chair Ray Rose, who was instrumental in creating the law, noted that, “For the past four years, the LCUDP has played a lead role in encouraging communities throughout the state to pass social host ordinances. By signing this law, Gov. Quinn demonstrates his commitment to protecting the future of all Illinois children.”

Prevention and education has seen a renewed focus at the Liquor Commission, as exemplified by the recently launched parental responsibility campaign.

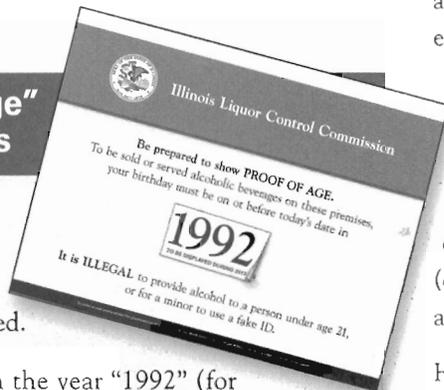
“This new law should make parents more cognizant of their actions,” explains Laura Murphy, coordinator of the ILCC’s parental responsibility effort. “Parents are one group whose behavior can be influenced when presented with the true facts of underage drinking.”

2013 “Proof of Age” signs and stickers

DO NOT throw away your current “Proof of Age” signs, as these signs are no longer printed.

However, 2x4 labels with the year “1992” (for placement over the old year) will be made available in December along with printable 2013 signs.

Please visit the “Latest News” section on the Illinois Liquor Control Commission’s home page www.state.il.us/LCC in December to print out your own 2013 Proof of Age signs and to order 1992 labels (for display in 2013). Please note, 1991 labels and printable 2012 signs are currently available on the web.

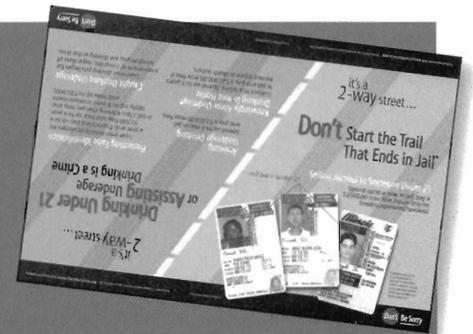


FREE cashmat available

All valid “Under 21” IDs are now in a vertical format.

The Illinois Liquor Control Commission’s popular 15x10-inch countertop cashmat, to be displayed wherever alcohol is sold, includes a representation of all current underage ID cards. Also included is a listing of penalties on BOTH the seller and customer.

Remember, it’s a 2-way street; remind your employees and patrons that alcohol purchased for underage consumption has consequences! Order your FREE cashmat today by visiting our website at www.state.il.us/LCC/mat.asp.



“Letter from the Director” continued from page 2

food service.” This license allows for the meal package to be served either on the licensed premises or off-site, including locations that are not licensed.

Is BYOB allowed?

Some establishments do not have liquor licenses but opt to allow alcohol on the premises. A “Bring Your Own Beverage” (BYOB) establishment is not regulated by the ILCC; however, many municipalities regulate BYOB’s. Based on this, we encourage you to consult with your local licensing authority to find out what is allowed within the jurisdiction.

If you are considering BYOB, our Legal Division advises business owners to consider obtaining host liquor liability insurance coverage (dram shop insurance) to avoid liability. Further, to limit liability, avoid serving, storing, or handling alcoholic liquor in any manner.

Home rule jurisdictions may pass an ordinance that regulates the circumstances under which BYOB operations can be licensed (locally). Without the presence of a local ordinance creating a “BYOB license”, the matter would be primarily regulated by the civil enforcement of the Social Host law or liquor liability insurance requirements. If a local ordinance exists that is not in conflict with state law, locals can determine their own policies.

Get answers to your questions...

For more information on the above – or any other liquor-related issues – please do not hesitate to give us a call at 312-814-2206.