Illinois Liquor Control Commission

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Illinois Liquor Control Commission
COVID-19 Related Action
Sales and Delivery of "To Go" Mixed Drinks/Cocktails
June 2, 2020

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 laws.

A State of Illinois retailer's licensee (1A License holders) may sell and deliver "to go" mixed drinks/cocktails for off-premises consumption strictly under the following conditions:

1. A mixed drink/cocktail is any alcoholic liquor (beer, wine, spirits) mixed with a non-alcoholic beverage such as "fruit juice, lemonade, cream, or a carbonated beverage."
2. The mixed drink/cocktail container shall be:
    a. New/unused and rigid. A rigid container includes glass, metal, or ceramic material. A rigid container does not include plastic, paper, or Styrofoam;
    b. Sealed with a secure cap or lid that is tamper-proof or tamper-evident (includes wax-dip seals and heat shrink wrap covers). The lid shall not have sipping holes or holes designed for straws.
    c. Filled and sealed by the retailer's employee;
    d. Labeled in the following manner:
        i. The name of the mixed drink/cocktail ingredients, type, and name of the alcohol;
        ii. The name, license number, and address of the retail licensee that filled the container and sold the product;
        iii. The volume of the mixed drink/cocktail in the container; and
        iv. The date the container was sealed. The sealed container must be filled less than 7 days before the date of sale.
3. The mixed drink/cocktail **may** be transferred to the consumer in the following manner:
    a. Inside the licensed business over the counter; or
    b. Curbside delivery by a retailer employee; or
    c. Home delivery by a retailer employee.
4. The mixed drink/cocktail **shall not** be transferred to the consumer:
    a. By way of drive-through service; or
    b. Home delivery by a third-party delivery company. **Delivery by third party delivery companies is not permitted.**
5. The retailer employee transferring the mixed drink/cocktail shall:

a. Hold a valid server training certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer;
b. Be 21 years of age or older;
c. Comply with any requirements of the Governor's executive orders declaring a disaster, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.
d. Verify the age to whom the mixed drink/cocktail is delivered **(if the employee delivering the cocktail is not able to safely verify a person's age and level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder).**
e. For curbside or home deliveries, place the sealed container in the vehicle trunk or (if no trunk) other vehicle compartment not readily accessible to the passenger area.

6. Mixed drink/cocktail delivery is limited to holders of State of Illinois retailer liquor licenses ("1A Licenses").
7. No licensee authorized by law to manufacture alcoholic liquor shall conduct mixed drink/ cocktail deliveries pursuant to 235 ILCS 5/6-28.8. This prohibition includes all manufacturer class license holders (as defined in Section 5/5-1(a) of the Liquor Control Act), wine-maker's premises, brew pubs, and distilling pubs.
8. Licensees authorized to manufacture alcoholic liquor may continue to temporarily deliver alcoholic liquor pursuant to guidance issued by the State Commission on March 19, 2020 Entitled "Illinois Liquor Control Commission, COVID-19 Related Actions, Guidance on Temporary Delivery of Alcoholic Liquor."

The authority to sell mixed drinks/cocktails (under the conditions set forth herein) is scheduled to expire on June 2, 2021