

FAQs on "happy hour" changes



Below are some frequently asked questions regarding Public Act 99-0046 which went into effect on July 15, 2015:

Q: Will I be able to offer "happy hour" specials by temporarily reducing the price of drinks at my establishment?

A: **Yes.** This legislation permits licensees to offer discounted drinks for up to **4 hours per day**, and not more than **15 hours per week**. The specified drink promotional period does not have to be for 4 consecutive hours.

Q: What are the additional rules and restrictions on price reductions?

A: Licensees must adhere to the following stipulations on price reductions on drinks:

- Licensee must give notice of the discount of alcohol drinks on the licensee's premises or on their website **7 days prior to the specified drink promotion period.**
- Licensee shall not offer a specified drink promotion period between the hours of **10:00 p.m. and the licensed premise's closing hour.**
- Licensee shall not change the price of an alcoholic drink during a single drink promotion period.

Q: When can I start reducing prices as part of happy hour?

A: No earlier than 7 days after the license holder has given notice of the discount of alcohol drinks at its licensed location or on its website.

Q: Can I provide unlimited drinks for a single price?

A: No. Drink limits are required unless the drinks are part of a meal/party package or private function.

Q: Am I allowed to sell "meal packages" with food and alcohol? What does that entail?

A: **Yes.** "Meal package" means a food & beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to: a **meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee** or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

Q: Is there a limit on the number of drinks which may be served with a meal package?

A: No. There is no limit to the number of drinks included with a meal package.

Q: What is considered "food" for purposes of a meal package?

A: Any food, including snacks and other so-called "finger food," that is available on the licensed premises as long as the food and alcoholic drinks are sold as a package for a fixed price.

Q: Am I allowed to sell "party packages," such as wristband deals for a private event? What are the regulations?

A: **Yes.** "Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is **not open to the general public and where attendees are served both food and alcohol for a fixed price in a DEDICATED EVENT space.** In order to sell a party package, a business must:

- Offer food in the dedicated event space.
- Limit the party package to no more than 3 hours.
- Distribute wristbands, lanyards, or shirts that designate party package attendees.
- Exclude individuals not participating in the party package from the dedicated event space.

Q: Is there a limit on the number of drinks which may be served with a party package?

A: No. There is no limit on the number of drinks allowed to be included with a party package.

Q: What is considered "food" for purposes of a party package?

A: Any food, including snacks and other so-called "finger food," that is available on the licensed premises.

Q: Private functions as defined in the Liquor Control Act (235 ILCS 5/1-3.36) have always been an exception to the prohibition on unlimited drinks; are private functions now limited to 3 hours?

A: No. Private functions such as weddings, private parties, fund-raising functions, etc., where "guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event" (235 ILCS 5/1-3.36) are not subjected to a time limit.

Q: How can alcoholic drinks be sold and served to a customer?

A:

- 1) You may serve two or more drinks to one customer at one time;
- 2) You may not sell two or more drinks for the price of one drink;
- 3) You must increase the price of a drink proportionately to an increase in the volume of the same drink (Example: The price of a 24 ounce draft of Brand X beer must cost twice as much as a 12 ounce draft of Brand X beer).

Q: Can I sell or serve a pitcher, bottle, carafe, bucket, flight, or similar container to one person?

A: Yes.

Q: How does proportionate pricing apply to prices of a pitcher, bottle, carafe, bucket, flight, or similar container?

A: Proportionate pricing applies to individual drinks, not to pitchers, bottles, carafes, buckets, flight or similar containers. As long as a price reduction is not equal to selling 2 or more alcoholic drinks for the price of one, a retailer is free to set any price for a pitcher, bottle, carafe, bucket, flight or similar container.

Q: Can I permit or encourage drinking games or contests at my licensed premises?

A: No.

Q: Can I still offer daily drink specials?

A: Yes, as long as the price of the drink special is listed on the mandatory schedule of drink prices.

Q: May I advertise happy hour, meal packages, and party packages?

A: Yes. Events permitted under the Liquor Control Act may be legally advertised.

Q: May I advertise events and drink specials permitted under the Happy Hour law on social media?

A: Yes. Social media advertising is allowed.

Q: Where can I learn more about "infusions" and its legality in Illinois?

A: For FAQ's on this subject, [please see the following page](#).

Q: Does the new law mandate that all servers in Illinois be trained and certified every three years?

A: Yes. All alcohol servers and those checking ID's for alcohol service in on-premise establishments (ie, bars, restaurants, banquet halls) will be required to successfully complete BASSET every three years. The mandate takes effect by a pre-determined date cited in the law. [See page 4 for the schedule](#).

FAQs on "infusions"

*Below are frequently asked questions regarding the legality of "infusions" as cited in **Public Act 99-0046** which went into effect on **July 15, 2015**:*



Q: What is an infusion?

A: An infusion is a spirit where ingredients, including, but not limited to, fruits, spices, or nuts, are added to naturally infuse flavor into the spirit.

Q: Can I sell infusions?

A: Yes.

Q: What are the rules and regulations for selling infusions?

A: The infusion may be aged for up to 14 days. After aging, it may be served to customers for up to 21 days. A label is required indicating the production date, the base spirit of the infusion, the date the infusion will finish aging, and the date which the infusion must be destroyed.

Q: How is an infusion different than a mixed drink or pre-mix like a margarita?

A: Infusions are not intended for immediate consumption. Mixed drinks and pre-mixes are intended for immediate consumption.

Q. Do rules differ for pre-mixes like a margarita?

A. Yes. All pre-mix dispensing containers or systems must be drained, contents disposed of, and thoroughly cleaned at least once every week. A record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning. ILCC Rule and Regulation 100.160(e).

Q. Is sangria an infusion?

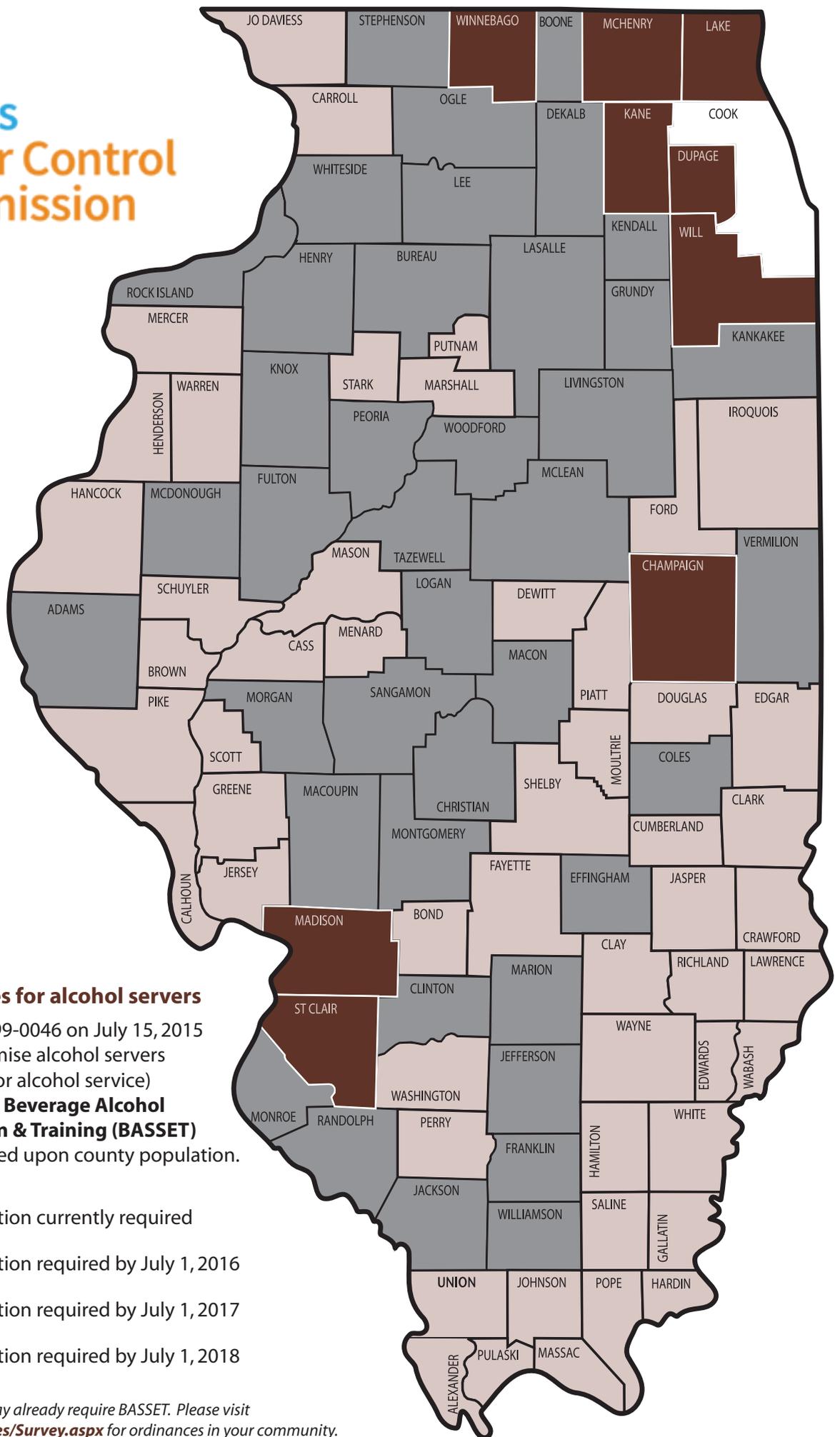
A. No. The base ingredient of sangria is wine not spirits. Therefore, sangria is not an infusion and is regulated according to the pre-mix rules.

Q. Does the Illinois Liquor Control Commission regulate the sales or service of the non-beverage byproducts of an infusion (i.e. fruit saturated with alcoholic liquor).

A. No. The Illinois Liquor Control Commission solely regulates items which "are capable of being consumed as a beverage by a human being." 235 ILCS 5/1-3.05. Infusion byproducts that are sold or served as food items are regulated by local food ordinances and the Illinois Food, Drug and Cosmetic Act (420 ILCS 620/).

Q. Can I sell infusions to go?

A. No. Infusions can only be served and consumed on the licensed premises.



Required training dates for alcohol servers

The signing of Public Act 99-0046 on July 15, 2015 requires all Illinois on-premise alcohol servers (and those checking ID's for alcohol service) to successfully complete a **Beverage Alcohol Sellers/Servers Education & Training (BASSET)** class by a certain date based upon county population.

- BASSET certification currently required
- BASSET certification required by July 1, 2016
- BASSET certification required by July 1, 2017
- BASSET certification required by July 1, 2018

NOTE: Some local jurisdictions may already require BASSET. Please visit www.illinois.gov/ILCC/SitePages/Survey.aspx for ordinances in your community.