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LEGAL ALERT

**ILLINOIS LIQUOR CONTROL COMMISSION
GUIDANCE ON TEMPORARY DELIVERY OF
ALCOHOL DURING EMERGENCY**

The Governor's Executive Order 2020-07, issued on March 16, 2020, among other things, prohibited the on-site consumption of public food or beverages in most businesses through March 30, 2020. The ban raised questions at a local level regarding the ability of businesses with liquor licenses that only allowed sales of alcohol for on-premises consumption to temporarily make sales or deliveries on a to-go basis.

On March 19, 2020, the Illinois Liquor Control Commission (the "State Commission") issued a guidance (the "March 19 Guidance") indicating that, subject to the approval of a local liquor commission, the State Commission would allow licensees, including those currently approved for on-premises consumption sales only, to conduct packaged sales, "to go" sales, curbside deliveries, home residential deliveries, and any other sale or delivery intended to promote social distancing.

The March 19 Guidance further stated that subject to the authorization of the local liquor control commission, licensees may use third party delivery services to make deliveries. All sales must be in the original container; no delivery of pre-mixed cocktails is allowed. Persons delivering alcohol at curbside or other locations should observe the appearance of the delivery recipient at a safe social distance, and if necessary, require the examination of the recipient identification to ensure the recipient is over twenty-one. In the event such observation of the recipient or recipient identification cannot be accomplished while respecting safe social distancing, the alcoholic liquor shall be returned with a full refund.

The March 19 Guidance from the State Commission specifies that the temporary authorization of deliveries outlined in the Guidance overrides all previous COVID-19 statements made by the State Commission related to alcoholic liquor deliveries. The temporary authorization of deliveries shall be rescinded upon the termination of the COVID-19 emergency restrictions.

Please contact your local municipal attorney for further guidance on allowing off-premises sales on a temporary emergency basis.

The full text of the State Commission's March 19, 2020 Guidance may be viewed [here](#).

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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