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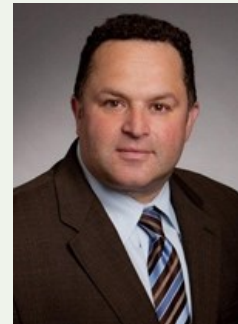
MUNICIPAL LAW GROUP

STATE LIQUOR CONTROL ACT AMENDED TO ALLOW LOCAL LIQUOR CONTROL COMMISSIONER TO APPLY EXEMPTION TO DISTANCE REQUIREMENTS RELATING TO THE SALE OF LIQUOR NEAR CHURCHES, SCHOOLS, HOSPITALS OR MILITARY FACILITIES.

On August 3, 2018 Governor Rauner signed into law SB 2436 which changes Section 6-11 of the Liquor Control Act by adding the exception at Section (a-5) below:

Sec. 6-11. Sale near churches, schools, and hospitals.

- (a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the



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church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(a-5) Notwithstanding any provision of this Section to the contrary, a local liquor control commissioner may grant an exemption to the prohibition in subsection (a) of this Section if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.

The new law, which goes into effect immediately, now leaves it up to local liquor officials to decide whether they want to allow a liquor license holder to locate next to a church, school, military facility or hospital. Local codes should be examined to determine if an exemption option and criteria for such an exemption should be adopted. Only after a local rule or ordinance is implemented allowing for the exemption may the exemption be applied.