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.

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“Happy hour” FAQs (cont’d.)

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.