
Breaking Down Illinois' Proposed "Happy Hour" Amendment

By Jonathan M. Boulahanis / Jun 04, 2015

As news sources have been reporting the last twenty-four hours, it appears that Happy Hour is coming back to Illinois. Yesterday, the Illinois Senate overwhelmingly passed The Culinary Hospitality and Modernization Act. If Governor Rauner signs the bill, the new law will go into effect.

While the majority of the public is rejoicing Happy Hour's re-emergence (especially through social media blasts), it is important to understand that this bill goes much further than allowing your after-work half-price beer. Not only does the law allow for discounted drinks (beer, wine, spirits) for up to four hours per day and capped at 15 hours per week, but it has many other provisions that bring the Illinois Liquor Control Act into the 21st Century. Some of those provisions include:

- While "happy hour" will be allowed, the State has placed some restrictions that bars/restaurants must be aware of, including: No discounted drinks after 10 pm, no changes in pricing during the discount time, and that notice of the discount must be made public at least seven days in advance of the discounted period.
- The Amendment defines and permits, with certain requirements, meal/entertainment and party packages commonly known as "wrist-band" events, that were previously only allowed during private events.
- The Amendment allows for liquor license holders to create "infusions," or spirits that are infused with fruits, spices, or nuts. The "infusion" must be stored on the premises, have a lid, and destroyed within 21 days.
- The Amendment redefines a hotel, which allows for the streamlining of licenses for hoteliers that operate more than one alcohol serving establishment on its premises.
- The Amendment requires mandatory Beverage Alcohol Sellers and Servers Education Training ("BASSET") for all bartenders and servers in the State of Illinois. Cook County already requires it but, under this proposed legislation, all servers will be required to complete training, and maintain compliance.
- The Amendment maintains a ban on two for one drinks, or giving away any alcohol for free. It further maintains the prohibition on increasing the volume of alcohol in a drink without proportionately increasing the price such as in a "double."
- The Amendment maintains the home rule jurisdiction, allowing for local municipalities to regulate alcohol service and provide for alcohol related ordinances.
- The Amendment prohibits the issuance of a liquor license within 100 feet of a church, school, institution of higher learning, hospital, or military or naval station - with exceptions.
- The Amendment allows for product sampling (1/4 oz spirit, 1 oz wine, and 2 oz beer to one consumer/day) - including by retailers, distributors, and importers at licensed retail locations. Only three samples are permitted. On-premises retail licensees may also offer sampling, with certain restrictions.

If you have any questions regarding the intricacies of the proposed Amendment, please contact Clark Hill Food and Beverage Law attorney Jonathan Boulahanis at jboulahanis@clarkhill.com or 312.985-5930.

The full proposed amendment can be found [here](#).