



Office of the City Clerk

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Legislation Details (With Text)

File #: O2020-2890

Type: Ordinance **Status:** Passed

File created: 6/17/2020 **In control:** City Council

Final action: 6/17/2020

Title: Regulations governing cocktail or mixed drink placed in sealed containers and sold for off-premise consumption (cocktails-to-go)

Sponsors: Dept./Agency

Indexes: Business Affairs & Consumer Protection

Attachments: 1. O2020-2890.pdf

Date	Ver.	Action By	Action	Result
6/29/2020	1	City Council	Signed by Mayor	
6/17/2020	1	City Council	Passed	Pass
6/8/2020	1	Committee on License and Consumer Protection	Direct Introduction	

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Delivery and carry out of mixed drinks permitted.

a) For purposes of this Ordinance only:

"Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

"Original container" means a container that is filled, sealed, and secured by a retail licensee's employee at the retail licensee's location with a tamper-evident lid or cap.

"Retail licensee" means the holder of a "consumption on premises - incidental activity license" or a "tavern license," but does not include the holder of a "package goods license," as these terms are defined in Section 4-60-010 of the Municipal Code of Chicago.

"Sealed container" means a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

"Tamper-evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.

b) A cocktail or mixed drink placed in a sealed container by a retail licensee at the retail licensee's location may be transferred and sold for off-premises consumption if the following requirements are met:

- 1) the cocktail is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee who:
 - A) has been trained in accordance with Section 6-27.1 of the Liquor Control Act of 1934, 235 ILCS 5/6-27.1, at the time of the sale;
 - B) is at least 21 years of age; and
 - C) upon delivery, verifies the age of the person to whom the cocktail is being delivered;
- 2) if the employee delivering the cocktail is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder;
- 3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;

1

- (4) the sealed container shall be affixed with a label or tag that contains the following information:
 - A) the cocktail or mixed drink ingredients, type, and name of the alcohol;
 - B) the name, license number, and address of the retail licensee that filled the original container and sold the product;
 - C) the volume of the cocktail or mixed drink in the sealed container; and
 - D) the sealed container was filled less than 7 days before the date of sale.

c) Third-party delivery services are not permitted to deliver cocktails and mixed drinks under this Section.

d) If there is an executive order of the Governor or Chicago Department of Health order in effect during a disaster, the employee delivering the mixed drink or cocktail must comply with any requirements of that executive order or order, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.

e) Delivery or carry out of a cocktail or mixed drink is prohibited if:

- 1) a third party delivers the cocktail or mixed drink;
- 2) a container of a mixed drink or cocktail is not tamper-evident and sealed;
- 3) a container of a mixed drink or cocktail is transported in the passenger area of a vehicle;
- 4) a mixed drink or cocktail is delivered by a person or to a person who is under the age of 21; or
- 5) the person delivering a mixed drink or cocktail fails to verify the age of the person to whom the mixed drink or cocktail is being delivered.

f) A violation of this ordinance shall be deemed to be a violation of Chapter 4-60 of the Municipal Code of Chicago, and shall subject the violator to the same procedures and penalties provided in Sections 4-4-280 and

4-60-200 of the Municipal Code of Chicago.

g) This Section is an additional exception to the prohibition on transporting, carrying, possessing, or having any liquor in or upon or about any motor vehicle upon any public way in the City as set forth in Section 8-4-030(a)(2) of the Municipal Code of Chicago.

SECTION 2. The Local Liquor Control Commissioner shall have the authority to promulgate rules necessary to implement this ordinance.

SECTION 3. This ordinance shall be repealed of its own accord, without further action of the City Council, upon the repeal of 235 ILCS 6/28.8.

2

SECTION 4. In light of the urgent need to assist in the economic recovery from hardship caused by the COVID-19 pandemic and remedial measures taken in response thereto, pursuant to 65 ILCS 5/1-2-4, this ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after its passage and publication.

3

Department of Business Affairs and Consumer Protection

City of Chicago

June 8, 2020

TO THE HONORABLE CHAIRMAN EMMA MITTS AND MEMBERS OF THE COMMITTEE ON LICENSE AND CONSUMER PROTECTION OF THE CITY COUNCIL.

Ladies and Gentlemen:

I transmit herewith an ordinance temporarily permitting delivery and carry out sales of alcoholic cocktails by current liquor licensees.

Rosa Escareno Commissioner

Your favorable consideration of this ordinance will be appreciated. Very Truly Yours,