

State of Illinois
Counties of Kane and DuPage
City of Batavia, Illinois



EXECUTIVE ORDER 20-01 (Amended 06-05-2020)

March 20, 2020 9:00 AM

To all Batavia Liquor License Holders:

The Illinois Liquor Commission recently relaxed its regulations to allow local liquor control authorities the power to permit establishments with packaged liquor or service on premises liquor licenses to conduct home delivery during the period of time that the Governor has ordered the closure of Illinois bars and dine-in sections of restaurants. By virtue of my authority as Liquor Commissioner for the City of Batavia, I order that all Batavia businesses with either a packaged liquor or service on premises liquor license are, as of the date and time of this order, permitted to conduct home delivery until such time as the Governor lifts the order that all bars and dine-in restaurants in the State of Illinois be closed, with the following qualifications:

- Deliveries may only be made within Batavia city limits.
- The delivery person must verify that the person accepting the delivery is at least 21 years old by checking photo identification.

Amendment Effective June 5, 2020

On June 3, 2020 the governor signed into law HB 2682 allowing for the sale of pre-mixed and pre-packaged and appropriately labeled cocktails for curbside pickup or delivery.

A State of Illinois retailer's licensee (1A License holders) may sell and deliver "to go" mixed drinks/cocktails for off-premises consumption strictly under the following conditions:

1. A mixed drink/cocktail is any alcoholic liquor (beer, wine, spirits) mixed with a non-alcoholic beverage such as "fruit juice, lemonade, cream, or a carbonated beverage."
2. The mixed drink/cocktail container shall be:
 - a. New/unused and rigid. A rigid container includes glass, metal, or ceramic material. A rigid container does not include plastic, paper, or Styrofoam;
 - b. Sealed with a secure cap or lid that is tamper-proof or tamper-evident (includes wax-dip seals and heat shrink wrap covers). The lid shall not have sipping holes or holes designed for straws.
 - c. Filled and sealed by the retailer's employee;
 - d. Labeled in the following manner:
 - i. The name of the mixed drink/cocktail ingredients, type, and name of the alcohol;
 - ii. The name, license number, and address of the retail licensee that filled the container and sold the product;

- iii. The volume of the mixed drink/cocktail in the container; and
- iv. The date the container was sealed. The sealed container must be filled less than 7 days before the date of sale.

3. The mixed drink/cocktail may be transferred to the consumer in the following manner: a. Inside the licensed business over the counter; or b. Curbside delivery by a retailer employee; or c. Home delivery by a retailer employee.

4. The mixed drink/cocktail shall not be transferred to the consumer: a. By way of drive-through service; or b. Home delivery by a third-party delivery company. Delivery by third party delivery companies is not permitted.

5. The retailer employee transferring the mixed drink/cocktail shall:

- a. Hold a valid server training certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer;

- b. Be 21 years of age or older;

- c. Comply with any requirements of the Governor's executive orders declaring a disaster, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.

- d. Verify the age to whom the mixed drink/cocktail is delivered (if the employee delivering the cocktail is not able to safely verify a person's age and level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder).

- e. For curbside or home deliveries, place the sealed container in the vehicle trunk or (if no trunk) other vehicle compartment not readily accessible to the passenger area.

6. Mixed drink/cocktail delivery is limited to holders of State of Illinois retailer liquor licenses ("1A Licenses").

By virtue of my authority as Liquor Commissioner for the City of Batavia, I order that all Batavia businesses with either a packaged liquor or service on premises liquor license are, as of the date and time of this order, permitted to sell cocktails to go under these conditions.

Effective immediately and continuing through the end of the Governor's Emergency Proclamation.

This Executive Order is approved and effective this 5 day of June, 2020


Mayor Jeffery D. Schielke

6-5-20
Date


Ellen Posledni, Clerk

6-5-2020
Date