



Rep. Curtis J. Tarver, II

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10300HB2502ham002

LRB103 28642 RPS 59738 a

1 AMENDMENT TO HOUSE BILL 2502

2 AMENDMENT NO. _____. Amend House Bill 2502 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-35 as follows:

6 (235 ILCS 5/6-35)
7 Sec. 6-35. Alcopops.

8 (a) For purposes of this Section: 7

9 "Alcopop ~~alco-pop~~" means a flavored alcoholic beverage or
10 flavored malt beverage that includes (i) a malt beverage
11 containing a malt base or beer and added natural or artificial
12 blending material, such as fruit juices, flavors, flavorings,
13 colorings, or preservatives where the beverage constitutes
14 0.5% or more of alcohol by volume ~~such blending material~~
15 ~~constitutes .5% or more of the alcohol by volume contained in~~
16 ~~the finished beverage~~; (ii) a beverage containing wine and

1 more than 15% added natural or artificial blending material,
2 such as fruit juices, flavors, flavorings, or adjuncts, water
3 (plain, carbonated, or sparkling), colorings, or
4 preservatives; (iii) a beverage containing distilled alcohol
5 and added natural or artificial blending material, such as
6 fruit juices, flavors, flavorings, colorings, or
7 preservatives; or (iv) an alcohol malt beverage containing
8 caffeine, guarana, taurine, or ginseng, where the beverage
9 constitutes 0.5% or more of alcohol by volume.

10 "Immediately adjacent" means directly touching or
11 immediately bordering one another from above, below, or the
12 side. "Immediately adjacent" does not include a separate
13 aisle.

14 "Retail sales floor" means the part of a retailer's
15 premises that contains goods on display that are freely
16 accessible to the consumer

17 (b) No entity may advertise, promote, or market any
18 alcopop beverages toward children. Advertise, promote, or
19 market includes, but is not limited to the following:

20 (1) the use of cartoons and youth-orientated photos in
21 advertising, promotion, packaging, or labeling of alcohol
22 products;

23 (2) sponsorships of athletic events where the intended
24 audience is primarily children;

25 (3) billboards advertising alcopops, as defined in
26 items (i), (ii), and (iii) of subsection (a) of this

1 Section, placed within 500 feet of schools, public parks,
2 amusement parks, and places of worship; and

3 (4) the display of any alcopop beverage in any
4 videogame, theater production, or other live performances
5 where the intended audience is primarily children.

6 (b-5) No retail establishment with a retail sales floor
7 that exceeds 2,500 square feet shall display alcopops
8 immediately adjacent to soft drinks, fruit juices, bottled
9 water, candy, or snack foods portraying cartoons or
10 youth-oriented photos.

11 (b-10) Any retail establishment with a retail sales floor
12 that is equal to or less than 2,500 square feet shall either:

13 (1) not display alcopops immediately adjacent to soft
14 drinks, fruit juices, bottled water, candy, or snack foods
15 portraying cartoons or youth-oriented photos; or

16 (2) equip any such display that contains alcopops and
17 is immediately adjacent to soft drinks, fruit juices,
18 bottled water, candy, or snack foods portraying cartoons
19 or youth-oriented photos with signage that is clearly
20 visible to consumers, is not less than 8.5 x 11 inches, and
21 states the following: "This product is an alcoholic
22 beverage available only to persons who are 21 years of age
23 or older.". Such sign may be provided by the State
24 Commission or by the licensee.

25 (b-15) Subsections (b-5) and (b-10) do not apply to a
26 shelf, aisle, display, or display area in which the primary

1 items for sale are alcoholic liquors or in an area in which
2 persons under the age of 21 are prohibited from entering
3 without a parent or legal guardian.

4 (c) No entity shall sell for consumption an alcohol malt
5 beverage containing caffeine, guarana, taurine, or ginseng,
6 where the beverage constitutes 0.5% or more of alcohol by
7 volume, unless individual containers of the beverage have
8 imprinted on each individual container the following:

9 (1) the words "contains alcohol"; and

10 (2) the alcohol content of the beverage.

11 (d) Any person who violates this Section is guilty of a
12 business offense and shall be fined \$500 for a first offense
13 and \$1,000 for a second or subsequent offense.

14 (e) Nothing in this Section shall be construed to be
15 inconsistent with any other provision of this Section or any
16 other State or federal laws, rules, or regulations regarding
17 the labeling of alcoholic beverages.

18 (Source: P.A. 95-618, eff. 6-1-08; 95-860, eff. 1-1-09.)".