



Sen. Ira I. Silverstein

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09600SB3973sam001

LRB096 24389 ASK 44311 a

1 AMENDMENT TO SENATE BILL 3973

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3973 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 and by adding Section 6-36 as follows:

6 (235 ILCS 5/6-35)

7 Sec. 6-35. Alcopops.

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

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

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

11 (1) the use of cartoons and youth-orientated photos in  
12 advertising, promotion, packaging, or labeling of alcohol  
13 products;

14 (2) sponsorships of athletic events where the intended  
15 audience is primarily children;

16 (3) billboards advertising alcopops, as defined in  
17 items (i), (ii), and (iii) of subsection (a) of this  
18 Section, placed within 500 feet of schools, public parks,  
19 amusement parks, and places of worship; and

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

23 ~~(c) No entity shall sell for consumption an alcohol malt~~  
24 ~~beverage containing caffeine, guarana, taurine, or ginseng,~~  
25 ~~where the beverage constitutes 0.5% or more of alcohol by~~  
26 ~~volume, unless individual containers of the beverage have~~

1 ~~imprinted on each individual container the following:~~

2 ~~(1) the words "contains alcohol"; and~~

3 ~~(2) the alcohol content of the beverage.~~

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

7 (e) Nothing in this Section shall be construed to be  
8 inconsistent with any other provision of this Section or any  
9 other State or federal laws, rules, or regulations regarding  
10 the labeling of alcoholic beverages.

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

12 (235 ILCS 5/6-36 new)

13 Sec. 6-36. Caffeinated alcohol beverages.

14 (a) The General Assembly hereby finds and declares that the  
15 Federal Drug Administration has determined products combining  
16 high levels of caffeine and alcohol are unsafe or adulterated  
17 and are hereby prohibited. Additionally, the General Assembly  
18 recognizes the State's authority to control the importation of  
19 alcoholic liquor as granted under the Twenty-First Amendment to  
20 the U.S. Constitution, which states that the "transportation or  
21 importation into any State, Territory, or possession of the  
22 United States for delivery or use therein of intoxicating  
23 liquors, in violation of the laws thereof, is hereby  
24 prohibited".

25 (b) No alcoholic liquor that combines alcohol with

1 caffeine, guarana, or other similar substances that are  
2 commonly referred to as "caffeinated alcohol beverages" may be  
3 imported into the State or produced, manufactured,  
4 distributed, sold, or offered for sale in this State by a  
5 licensee under this Act. This Section shall only apply to  
6 products that contain caffeine, guarana, or other similar  
7 substances that are added or mixed to alcoholic liquors.

8 The Liquor Control Commission shall prohibit products  
9 under this subsection (b) from being produced, manufactured,  
10 distributed, sold, or offered for sale in this State by a  
11 licensee under this Act.

12 This Section does not apply to naturally caffeinated  
13 products such as coffee, made from the Coffea arabica plant;  
14 cola, made from kola nuts; teas made from plants such as the  
15 leaves of Thea sinensis; or cocoa."