

SB0050



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0050

Introduced 1/27/2011, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-35
235 ILCS 5/6-36 new

Amends the Liquor Control Act of 1934. Provides that no product that combines beer or any other alcoholic liquor with caffeine, guarana, taurine, or other similar substances that are commonly referred to as "alcohol energy drinks" may be imported into the State or produced, manufactured, distributed, sold, or offered for sale in this State by a licensee under the Act.

LRB097 05702 ASK 45765 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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,
17 or adjuncts, water (plain, carbonated, or sparkling),
18 colorings, or preservatives; or (iii) a beverage containing
19 distilled alcohol and added natural or artificial blending
20 material, such as fruit juices, flavors, flavorings,
21 colorings, or preservatives; ~~or (iv) an alcohol malt beverage~~
22 ~~containing caffeine, guarana, taurine, or ginseng, where the~~
23 ~~beverage constitutes 0.5% or more of alcohol by volume.~~

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

4 (1) the use of cartoons and youth-orientated photos in
5 advertising, promotion, packaging, or labeling of alcohol
6 products;

7 (2) sponsorships of athletic events where the intended
8 audience is primarily children;

9 (3) billboards advertising alcopops, as defined in
10 items (i), (ii), and (iii) of subsection (a) of this
11 Section, placed within 500 feet of schools, public parks,
12 amusement parks, and places of worship; and

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

16 (c) ~~No entity shall sell for consumption an alcohol malt~~
17 ~~beverage containing caffeine, guarana, taurine, or ginseng,~~
18 ~~where the beverage constitutes 0.5% or more of alcohol by~~
19 ~~volume, unless individual containers of the beverage have~~
20 ~~imprinted on each individual container the following:~~

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

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

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

26 (e) Nothing in this Section shall be construed to be

1 inconsistent with any other provision of this Section or any
2 other State or federal laws, rules, or regulations regarding
3 the labeling of alcoholic beverages.

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

5 (235 ILCS 5/6-36 new)

6 Sec. 6-36. Caffeinated alcohol beverages.

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

18 (b) No alcoholic liquor that combines alcohol with
19 caffeine, guarana, or other similar substances that are
20 commonly referred to as "caffeinated alcohol beverages" may be
21 imported into the State or produced, manufactured,
22 distributed, sold, or offered for sale in this State by a
23 licensee under this Act. This Section shall only apply to
24 products that contain caffeine, guarana, or other similar
25 substances that are added or mixed to alcoholic liquors.

1 The Liquor Control Commission shall prohibit products
2 under this subsection (b) from being produced, manufactured,
3 distributed, sold, or offered for sale in this State by a
4 licensee under this Act.

5 This Section does not apply to naturally caffeinated
6 products such as coffee, made from the Coffea arabica plant;
7 cola, made from kola nuts; teas made from plants such as the
8 leaves of Thea sinensis; or cocoa.