

AN ACT concerning liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 1-3.05 and by adding Sections 1-3.45, 1-3.46, 6-35.1, and 6-35.2 as follows:

(235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

Sec. 1-3.05. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. "Alcoholic liquor" also includes alcohol-infused products. The provisions of this Act shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by volume. No tax provided for in Article VIII of this Act shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under this Act.

(Source: P.A. 82-783.)

(235 ILCS 5/1-3.45 new)

Sec. 1-3.45. Alcohol-infused products. "Alcohol-infused products" means any frozen or unfrozen, solid or semi-solid food in a form other than liquid, including, but not limited to, ice cream, ice pops, whipped cream, gelatin-based products, and other similar products, containing more than 0.5% alcohol by volume.

(235 ILCS 5/1-3.46 new)

Sec. 1-3.46. Co-branded alcoholic beverage. "Co-branded alcoholic beverage" means any alcoholic liquor containing the same or similar brand name, logo, or packaging as a non-alcoholic beverage.

(235 ILCS 5/6-35.1 new)

Sec. 6-35.1. Alcohol-infused products.

(a) In this Section, "immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side. "Immediately adjacent" does not include a separate aisle.

(b) Except for persons issued a license under this Act, no person shall manufacture, distribute, or sell alcohol-infused products.

(c) No retail establishment with a retail sales floor area that exceeds 2,500 square feet shall display alcohol-infused products immediately adjacent to similar products that are not

alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images.

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

(1) not display alcohol-infused products immediately adjacent to similar products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images; or

(2) equip any such display that contains alcohol-infused products and is immediately adjacent to similar products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images, with signage that is clearly visible to consumers, is not less than 8.5 x 11 inches, and states the following: "THIS PRODUCT IS AN ALCOHOLIC BEVERAGE AVAILABLE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE OR OLDER." This sign shall be provided by the State

Commission.

(e) Subsections (c) and (d) do not apply to an aisle or display area in which the primary items for sale are alcoholic liquors or in an area in which persons under the age of 21 are prohibited from entering without a parent or legal guardian.

(f) Retail licensees under this Act shall not keep, expose for sale, or display alcohol-infused products immediately adjacent to products marketed toward children.

(235 ILCS 5/6-35.2 new)

Sec. 6-35.2. Co-branded alcoholic beverages.

(a) In this Section, "immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side. "Immediately adjacent" does not include a separate aisle.

(b) No retail establishment with a retail sales floor area that exceeds 2,500 square feet shall display co-branded alcoholic beverages immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products.

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

(1) not display co-branded alcoholic beverages

immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products; or

(2) equip any such display that contains co-branded alcoholic beverages and is immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, with signage that is clearly visible to consumers, is not less than 8.5 x 11 inches, and states the following: "THIS PRODUCT IS AN ALCOHOLIC BEVERAGE AVAILABLE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE OR OLDER." This sign shall be provided by the State Commission.

(d) Subsections (b) and (c) do not apply to an aisle or display area in which the primary items for sale are alcoholic liquors or in an area in which persons under the age of 21 are prohibited from entering without a parent or legal guardian.

(e) Retail licensees under this Act shall not keep, expose for sale, or display co-branded alcoholic beverages immediately adjacent to products marketed toward children.