

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 as follows:

6 (235 ILCS 5/6-35)

7 Sec. 6-35. Alcopops.

8 (a) For purposes of this Section: 7

9 "Alcopop ~~alcoPOP~~" 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  
17 more than 15% added natural or artificial blending material,  
18 such as fruit juices, flavors, flavorings, or adjuncts, water  
19 (plain, carbonated, or sparkling), colorings, or  
20 preservatives; (iii) a beverage containing distilled alcohol  
21 and added natural or artificial blending material, such as  
22 fruit juices, flavors, flavorings, colorings, or  
23 preservatives; or (iv) an alcohol malt beverage containing

1 caffeine, guarana, taurine, or ginseng, where the beverage  
2 constitutes 0.5% or more of alcohol by volume.

3 "Immediately adjacent" means directly touching or  
4 immediately bordering one another from above, below, or the  
5 side. "Immediately adjacent" does not include a separate  
6 aisle.

7 "Retail sales floor" means the part of a retailer's  
8 premises that contains goods on display that are freely  
9 accessible to the consumer

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

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

16 (2) sponsorships of athletic events where the intended  
17 audience is primarily children;

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

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

25 (b-5) No retail establishment with a retail sales floor  
26 that exceeds 2,500 square feet shall display alcopops

1 immediately adjacent to soft drinks, fruit juices, bottled  
2 water, candy, or snack foods portraying cartoons or  
3 youth-oriented photos.

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

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

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

18 (b-15) Subsections (b-5) and (b-10) do not apply to a  
19 shelf, aisle, display, or display area in which the primary  
20 items for sale are alcoholic liquors or in an area in which  
21 persons under the age of 21 are prohibited from entering  
22 without a parent or legal guardian.

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.)