



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4212

Introduced 11/7/2023, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.05 from Ch. 43, par. 95.05
235 ILCS 5/1-3.45 new
235 ILCS 5/1-3.46 new
235 ILCS 5/6-35.1 new
235 ILCS 5/6-35.2 new

Amends the Liquor Control Act of 1934. Provides that "alcoholic liquor" includes alcohol-infused products. Defines "alcohol-infused products" and "co-branded alcoholic beverage". Provides that, except for persons issued a license under the Act, no person shall manufacture, distribute, or sell alcohol-infused products. Provides that no retail establishment with a retail sales floor that exceeds 2,500 square feet shall display alcohol-infused products immediately adjacent to similar products that are not alcohol-infused products or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images. Provides that 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. Provides that any retail establishment with a retail sales floor that is equal to or less than 2,500 square feet shall either not display alcohol-infused products or co-branded alcoholic beverages immediately adjacent to specified products or equip the display with specified signage. Prohibits retail licensees from keeping, exposing for sale, or displaying alcohol-infused products immediately adjacent to products marketed toward children.

LRB103 35056 CES 65007 b

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 1-3.05 and by adding Sections 1-3.45, 1-3.46,
6 6-35.1, and 6-35.2 as follows:

7 (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

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

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

1 (235 ILCS 5/1-3.45 new)

2 Sec. 1-3.45. Alcohol-infused products. "Alcohol-infused
3 products" means any frozen or unfrozen, solid or semi-solid
4 food in a form other than liquid, including, but not limited
5 to, ice cream, ice pops, whipped cream, gelatin-based
6 products, and other similar products, containing more than
7 0.5% alcohol by volume.

8 (235 ILCS 5/1-3.46 new)

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

13 (235 ILCS 5/6-35.1 new)

14 Sec. 6-35.1. Alcohol-infused products.

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

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

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

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

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

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

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

1 Commission.

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

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

9 (235 ILCS 5/6-35.2 new)

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

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

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

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

25 (1) not display co-branded alcoholic beverages

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

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

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

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