

SB2472



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2472

Introduced 2/15/2008, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-35

Amends the Liquor Control Act of 1934. Changes the definition of "alcopop" to include an energy drink containing alcohol or other stimulants, including, but not limited to caffeine, guarana, taurine, or ginseng. Provides that no entity shall sell alcopop beverages for consumption unless the alcopop beverage containers, cartons, wrappers, case, packaging, and labels contain or have imprinted on a sticker firmly affixed to the packaging that contains specific information. Sets forth the specific requirements for the content and format for the labeling of alcopop beverages. Provides that nothing in the provision shall be construed to be inconsistent with any other provision of State or federal laws, rules, or regulations regarding the labeling of alcoholic beverages. Makes other changes. Effective January 1, 2009.

LRB095 17318 KBJ 43387 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 as follows:

6 (235 ILCS 5/6-35)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 6-35. Alcopops ~~Alcopop~~ advertising.

10 (a) For purposes of this Section, "alcopop" means a
11 flavored alcoholic beverage or flavored malt beverage that
12 includes (i) a malt beverage containing a malt base or beer and
13 added natural or artificial blending material, such as fruit
14 juices, flavors, flavorings, colorings, or preservatives where
15 such blending material constitutes .5% or more of the alcohol
16 by volume contained in the finished beverage; (ii) a beverage
17 containing wine and more than 15% added natural or artificial
18 blending material, such as fruit juices, flavors, flavorings,
19 or adjuncts, water (plain, carbonated, or sparkling),
20 colorings, or preservatives; ~~or~~ (iii) a beverage containing
21 distilled alcohol and added natural or artificial blending
22 material, such as fruit juices, flavors, flavorings,
23 colorings, or preservatives; or (iv) an energy drink containing

1 alcohol and other stimulants, including, but not limited to
2 caffeine, guarana, taurine, or ginseng.

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

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

9 (2) sponsorships of athletic events where the intended
10 audience is primarily children;

11 (3) billboards advertising alcopops placed within 500
12 feet of schools, public parks, amusement parks, and places
13 of worship; and

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

17 (c) No entity shall sell alcopop beverages for consumption
18 unless the alcopop beverage containers, cartons, wrappers,
19 case, packaging, and labels contain or have imprinted on a
20 sticker firmly affixed to the packaging the following:

21 (1) the words "alcoholic beverage" or "contains
22 alcohol";

23 (2) the alcohol content of the beverage; and

24 (3) the statement, "It is a violation punishable under
25 law for any person under the age of 21 years to attempt to
26 purchase or consume an alcoholic beverage".

1 (d) The words on the sticker required by subsections (c) (1)
2 through (3) of this Section must appear:

3 (1) in capital letters and bold type;

4 (2) on the front of the container and outer packaging;

5 (3) parallel to the base of the container and outer
6 packaging;

7 (4) in a format that is readily legible;

8 (5) in a solid, contrasting background;

9 (6) separate and apart from any descriptive or
10 explanatory information; and

11 (7) in the following type sizes:

12 (i) a minimum of 3 millimeters wide and 3
13 millimeters high for containers of 16 fluid ounces or
14 less;

15 (ii) a minimum of 4 millimeters wide and 3
16 millimeters high for containers larger than 16 fluid
17 ounces; and

18 (iii) a minimum of 4 millimeters wide and 3
19 millimeters high for outer packaging.

20 (e) ~~(e)~~ Any person who violates this Section is guilty of a
21 business offense and shall be fined \$500 for a first offense
22 and \$1,000 for a second or subsequent offense.

23 (f) Nothing in this subsection 6-35 shall be construed to
24 be inconsistent with any other provision of this Section or any
25 other State or federal laws, rules, or regulations regarding
26 the labeling of alcoholic beverages.

1 (Source: P.A. 95-618, eff. 6-1-08.)

2 Section 99. Effective date. This Act takes effect January
3 1, 2009.