

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.