

August 2024 Legal & Legislative Update

THE STATES

Illinois

Still awaiting gubernatorial action, [Senate Bill 2625](#) provides that no retail establishment with a retail sales floor that exceeds 2,500 square feet shall display alcohol-infused products and co-branded alcoholic beverages 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 and 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. Finally, the bill prohibits retail licensees from keeping, exposing for sale, or displaying alcohol-infused products immediately adjacent to products marketed toward children.

Michigan

Referred to House committee, [S.B. 868](#) seeks to amend the Michigan Liquor Control Code to modify the definitions of “brand” and “brand extension” for certain alcoholic beverages. Specifically, a brand would include various names of the supplier, and the bill would specify that new products using similar branding to an existing product would be considered a brand extension.

Nebraska

As part of a broader effort to enact a reduction in state property tax, Governor Jim Pillen has [proposed](#) increasing the per gallon tax levied on spirits to \$14.50 (current rate is \$3.75/gallon).

New Hampshire

Signed by the Governor, [H.B. 1321](#) provides for repealing penalties for the sale of kegs of malt beverages without a receipt.

Agreement reached in conference committee, [House Bill 1358](#) seeks to expand tenant brewing to include manufacturers of wine and liquor.

Both legislative chambers agreeing on a final version in conference, [H.B. 1380](#) seeks to allow a licensed brewpub to hold an additional on-premise or off-premise license as long as the licensee does not hold any other type of manufacturing license. The bill restricts a licensee holding two or more brewpub licenses from selling more than 2,500 barrels of beer or cider to any New Hampshire licensed retailer.

Signed into law, [House Bill 1334](#) provides that where a licensee is authorized the retail sale of beer in a refillable container, such licensee, at his sole discretion, may fill such refillable container with his product regardless of the branding on the refillable container.

Pennsylvania

Signed into law by the Governor, [S. B. 688](#) defines ready-to-drink (RTD) cocktails as a beverage, composed in part of distilled liquor, combined with other nonalcoholic ingredients, carbonated or still, by whatever name the beverage may be called, premixed and packaged in original containers by the manufacturer, containing not more than sixteen ounces that is not mixed or adulterated on the licensed premises of a licensee. The term shall include any beverage consisting of at least one-half of one per centum, but not greater than twelve and one-half per centum, alcohol by volume. The term shall not include any beverage composed, in part, of wine or malt or brewed beverages. A new RTD Cocktail Permit is created to authorize off-premises sales of RTD cocktails which must be acquired from the Pennsylvania Liquor Control Board (PLCB) as part of a regular or limited purchase listing, however, RTD cocktails may be sold as a special order to licensees that do not possess a RTD permit if the products are not sold for off-premises consumption. Holders of RTD cocktail permits may not purchase RTD cocktails directly from a licensed Pennsylvania manufacturer for the purpose of reselling the RTD cocktail for off-premises consumption.