

November 2023 Legal & Legislative Update

THE STATES

California

Signed by the Governor, [Assembly Bill 546](#) seeks to revise tied-house restrictions related to paying, crediting, or compensating a retailer or retailers for advertising, display, or distribution service in connection with the advertising and sale of all alcoholic beverages, rather than only distilled spirits; expands a restriction to providing “related things of value” to the things that cannot be furnished, given, lent, or rented to any person any decorations, paintings, or signs, except as specified; adds a prohibition to “providing credit” and “rebates” for the privilege of placing or painting a sign or advertising, or window display, on or in any premises selling alcoholic beverages at retail; clarifies that alcohol licensees may sell customized interior signs to retailers at a price not less than current market value.

Illinois

The Illinois Liquor Control Commission (ILCC) adopted a [permanent rule](#) regulating the placement of co-branded alcoholic beverages on retail sales floors with the goal of protecting the public from confusion between alcoholic beverages and non-alcoholic beverages with similar branding and to prevent the marketing of such alcoholic beverages to children. A “co-branded alcoholic beverage” is any alcoholic beverage containing the same or a similar brand name, logo, or packaging as a non-alcoholic beverage. The permanent rule applies to all establishments in Illinois that sell packaged alcohol for off-premise consumption.

[Senate Bill 2625](#), [House Bill 4203](#), and [House Bill 4212](#) provide 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 bills prohibit retail licensees from keeping, exposing for sale, or displaying alcohol-infused products immediately adjacent to products marketed toward children.

[H.B. 4205](#) creates the Bottle Deposit Act and provides that, to encourage container reuse and recycling, every beverage container sold or offered for sale to a consumer in the State must have a deposit and refund value.

New York

Signed by the Governor, [Assembly Bill 6134](#) provides the liquor authority the ability to set the duration of brewer's licenses, farm brewery licenses and restaurant-brewer licenses to three years.

Signed into law, [A.B. 6941](#) permits beer to be sold for off-premise consumption between the hours of 3AM and 5AM on Sundays.

Ohio

Referred to committee, [House Bill 306](#) would exempt manufacturers producing less than two hundred fifty thousand barrels of beer a year from the Ohio Alcohol Franchise Law. Similar legislation (S.B. 138) is pending in Senate committee.

[S.B. 170](#) provides for the Sunday sale of alcohol.