

1 SB379  
2 138163-3  
3 By Senator Blackwell  
4 RFD: Judiciary  
5 First Read: 28-FEB-12

1 SB379

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4 ENROLLED, An Act,

5 To amend Sections 20-1-5 and 20-1-27, Code of  
6 Alabama 1975, to prohibit obscuring, removing, or rendering  
7 illegible any information appearing on beverage labels,  
8 packages, or containers related to product information; to  
9 prohibit storing or transporting any beverage product that  
10 bears a labeling that has been obscured, removed, or otherwise  
11 rendered illegible; to provide for penalties for violations of  
12 Section 20-1-27, Code of Alabama 1975; and in connection  
13 therewith would have as its purpose or effect the requirement  
14 of a new or increased expenditure of local funds within the  
15 meaning of Amendment 621 of the Constitution of Alabama of  
16 1901, now appearing as Section 111.05 of the Official  
17 Recompilation of the Constitution of Alabama of 1901, as  
18 amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 20-1-5 and 20-1-27, Code of  
21 Alabama 1975, are amended to read as follows:

22 "§20-1-5.

23 "Any person who violates any of the provisions of  
24 this chapter or any order, rule, or regulation made or  
25 promulgated under authority of this chapter shall, upon

1 conviction thereof, be punished by a fine not exceeding five  
2 hundred dollars (\$500) for each offense; provided, however,  
3 that any violation of Section 20-1-27(a) (3) or (4) involving  
4 200 units or more of beverage products shall be punishable by  
5 a fine not exceeding five thousand dollars (\$5,000). For  
6 purposes of this section, the term unit shall mean a single,  
7 discreet beverage package, or container.

8 "§20-1-27.

9 "No person shall engage in any of the following  
10 activities within this state:

11 "(1) Manufacture for sale herein, have in his or her  
12 possession with intent to sell, offer or expose for sale,  
13 sell, or deliver any article of food or drugs which is  
14 adulterated or misbranded within the meaning of this division.

15 "(2) Sell or offer for sale out-of-date Class A  
16 foods which include baby food, infant formula, and potentially  
17 hazardous food.

18 "(3)a. Obscure, remove, or otherwise render  
19 illegible any information appearing on beverage labels,  
20 packages, or containers related to production information,  
21 best before dates, or other disclosure printed on, affixed to,  
22 or appearing on the labels, packages, or containers.

23 "b. This subdivision shall not apply to any  
24 alteration of a beverage label, package, or container made by,  
25 or at the direction of, either the owner of the trademark

1 rights to the brand that appears on the beverage label,  
2 package, or container or an authorized manufacturer of the  
3 beverage.

4 "c. This subdivision shall not apply to alcoholic  
5 beverages as defined in Section 28-3-1.

6 "d. This subdivision shall not apply to any entity,  
7 organization, or association, including, but not limited to, a  
8 nonprofit or other fund-raising organization that does not  
9 operate for a commercial purpose.

10 "(4)a. Store or transport any beverage product that  
11 bears a labeling that has been obscured, removed, or rendered  
12 illegible as described in subdivision (3).

13 "b. This subdivision shall not apply to any  
14 alteration of a beverage label, package, or container made by,  
15 or at the direction of, either the owner of the trademark  
16 rights to the brand that appears on the beverage label,  
17 package, or container or an authorized manufacturer of the  
18 beverage.

19 "c. This subdivision shall not apply to alcoholic  
20 beverages as defined in Section 28-3-1.

21 "d. This subdivision shall not apply to any entity,  
22 organization, or association, including, but not limited to, a  
23 nonprofit or other fund-raising organization that does not  
24 operate for a commercial purpose."

1           Section 2. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, now  
5 appearing as Section 111.05 of the Official Recompilation of  
6 the Constitution of Alabama of 1901, as amended, because the  
7 bill defines a new crime or amends the definition of an  
8 existing crime.

9           Section 3. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB379

Senate 03-MAY-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

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House of Representatives  
Amended and passed 10-MAY-12

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Senate concurred in House amendment 10-MAY-12

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By: Senator Blackwell