

1 HB638
2 118972-1
3 By Representative Rogers
4 RFD: Tourism and Travel
5 First Read: 25-FEB-10

SYNOPSIS: This bill would prohibit the sale of any beer containing caffeine or central nervous system stimulant beverages, and would provide that a violation would be a Class C misdemeanor.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to the sale of beer, malt, or brewed
11 beverages; to prohibit the sale of such beverages that
12 contains caffeine or any other central nervous system
13 stimulant; and to provide for a Class C misdemeanor; and in
14 connection therewith would have as its purpose or effect the
15 requirement of a new or increased expenditure of local funds
16 within the meaning of Amendment 621 of the Constitution of
17 Alabama of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of Alabama of 1901,
19 as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. For purposes of this act, the following
22 term shall have the following meaning:

23 BEER or MALT OR BREWED BEVERAGES. Any beer, lager
24 beer, ale, porter, malt or brewed beverage, or similar
25 fermented malt liquor containing one-half of one percent or
26 more of alcohol by volume and not in excess of 13 and
27 nine-tenths percent by volume, by whatever name the beverage

1 may be called. The term "beer, malt or brewed beverages" does
2 not include such a beverage that contains caffeine or any
3 other central nervous system stimulant.

4 Section 2. The sale of beer, malt, or brewed
5 beverage that contains caffeine or any other central nervous
6 system stimulant is prohibited.

7 Section 3. The sale of any beverage described in
8 Section 2 shall constitute a Class C misdemeanor and may be
9 punished as provided by law.

10 Section 4. The Alcoholic Beverage Control Board may
11 adopt rules pursuant to the Alabama Administrative Procedure
12 Act to implement and enforce this act.

13 Section 5. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 6. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.