

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

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no prohibition
9 against obscuring, removing, or otherwise rendering
10 illegible any information appearing on beverage
11 labels, packages, or containers related to product
12 information. Also under existing law, there is no
13 prohibition against storing, transporting, holding
14 for sale, or selling any beverage product that
15 bears a labeling that has been obscured, removed,
16 or otherwise rendered illegible.

17 This bill would prohibit obscuring,
18 removing, or otherwise rendering illegible any
19 information appearing on beverage labels, packages,
20 or containers related to product information. This
21 bill would also prohibit storing or transporting
22 any beverage product that bears a labeling that has
23 been obscured, removed, or otherwise rendered
24 illegible.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official Recompile of the Constitution of

1 Alabama of 1901, as amended, prohibits a general
2 law whose purpose or effect would be to require a
3 new or increased expenditure of local funds from
4 becoming effective with regard to a local
5 governmental entity without enactment by a 2/3 vote
6 unless: it comes within one of a number of
7 specified exceptions; it is approved by the
8 affected entity; or the Legislature appropriates
9 funds, or provides a local source of revenue, to
10 the entity for the purpose.

11 The purpose or effect of this bill would be
12 to require a new or increased expenditure of local
13 funds within the meaning of the amendment. However,
14 the bill does not require approval of a local
15 governmental entity or enactment by a 2/3 vote to
16 become effective because it comes within one of the
17 specified exceptions contained in the amendment.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To amend Sections 20-1-5 and 20-1-27, Code of
24 Alabama 1975, to prohibit obscuring, removing, or rendering
25 illegible any information appearing on beverage labels,
26 packages, or containers related to product information; to
27 prohibit storing or transporting any beverage product that

1 bears a labeling that has been obscured, removed, or otherwise
2 rendered illegible; to provide for penalties for violations of
3 Section 20-1-27, Code of Alabama 1975; and in connection
4 therewith would have as its purpose or effect the requirement
5 of a new or increased expenditure of local funds within the
6 meaning of Amendment 621 of the Constitution of Alabama of
7 1901, now appearing as Section 111.05 of the Official
8 Recompilation of the Constitution of Alabama of 1901, as
9 amended.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§20-1-5.

14 "Any person who violates any of the provisions of
15 this chapter or any order, rule, or regulation made or
16 promulgated under authority of this chapter shall, upon
17 conviction thereof, be punished by a fine not exceeding
18 ~~\$500.00~~ five hundred dollars (\$500) or by imprisonment for not
19 more than six months, or by both such fine and imprisonment,
20 for each offense; provided, however, that any violation of
21 Section 20-1-27(a)(3) or (4) involving 200 units or more of
22 beverage products shall be punishable by a fine not exceeding
23 five thousand dollars (\$5,000) or by imprisonment for not more
24 than six months, or both such fine and imprisonment. For
25 purposes of this section, the term unit shall mean a single,
26 discreet beverage package, or container.

27 "§20-1-27.

1 "No person shall engage in any of the following
2 activities within this state:

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

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

10 "(3)a. Obscure, remove, or otherwise render
11 illegible any information appearing on beverage labels,
12 packages, or containers related to production information,
13 best before dates, or other disclosure printed on, affixed to,
14 or appearing on the labels, packages, or containers.

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

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

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

26 "b. This subdivision shall not apply to any
27 alteration of a beverage label, package, or container made by,

1 or at the direction of, either the owner of the trademark
2 rights to the brand that appears on the beverage label,
3 package, or container or an authorized manufacturer of the
4 beverage.

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

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

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