

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

1 SB379

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 20-1-5 and 20-1-27, Code of
12 Alabama 1975, to prohibit obscuring, removing, or rendering
13 illegible any information appearing on beverage labels,
14 packages, or containers related to product information; to
15 prohibit storing or transporting any beverage product that
16 bears a labeling that has been obscured, removed, or otherwise
17 rendered illegible; to provide for penalties for violations of
18 Section 20-1-27, Code of Alabama 1975; and in connection
19 therewith would have as its purpose or effect the requirement
20 of a new or increased expenditure of local funds within the
21 meaning of Amendment 621 of the Constitution of Alabama of
22 1901, now appearing as Section 111.05 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§20-1-5.

2 "Any person who violates any of the provisions of
3 this chapter or any order, rule, or regulation made or
4 promulgated under authority of this chapter shall, upon
5 conviction thereof, be punished by a fine not exceeding
6 ~~\$500.00~~ five hundred dollars (\$500) or by imprisonment for not
7 more than six months, or by both such fine and imprisonment,
8 for each offense; provided, however, that any violation of
9 Section 20-1-27(a)(3) or (4) involving 200 units or more of
10 beverage products shall be punishable by a fine not exceeding
11 five thousand dollars (\$5,000) or by imprisonment for not more
12 than six months, or both such fine and imprisonment. For
13 purposes of this section, the term unit shall mean a single,
14 discreet beverage package, or container.

15 "§20-1-27.

16 "No person shall engage in any of the following
17 activities within this state:

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

22 "(2) Sell or offer for sale out-of-date Class A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

25 "(3)a. Obscure, remove, or otherwise render
26 illegible any information appearing on beverage labels,
27 packages, or containers related to production information,

1 best before dates, or other disclosure printed on, affixed to,
2 or appearing on the labels, packages, or containers.

3 "b. This subdivision shall not apply to any
4 alteration of a beverage label, package, or container made by,
5 or at the direction of, either the owner of the trademark
6 rights to the brand that appears on the beverage label,
7 package, or container or an authorized manufacturer of the
8 beverage.

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

11 "d. This subdivision shall not apply to any entity,
12 organization, or association, including, but not limited to, a
13 nonprofit or other fund-raising organization that does not
14 operate for a commercial purpose.

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

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

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

26 "d. This subdivision shall not apply to any entity,
27 organization, or association, including, but not limited to, a

1 nonprofit or other fund-raising organization that does not
2 operate for a commercial purpose."

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

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

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Judiciary..... 28-FEB-12
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7 Read for the second time and placed on the calen-
8 dar 1 amendment..... 26-APR-12
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10 Read for the third time and passed as amended 03-MAY-12

11 Yeas 29
12 Nays 0

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15 Patrick Harris
16 Secretary
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