

1 HB346  
2 127659-2  
3 By Representatives Shiver and Baker  
4 RFD: Agriculture and Forestry  
5 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, the Commissioner of  
9 Agriculture and Industries has the authority to  
10 prevent the sale of misbranded food products, and  
11 the sale of a misbranded food product is subject to  
12 criminal penalties. Also under existing law, there  
13 is no prohibition against removing or tampering  
14 with the product code on a container of soda water  
15 or other soft drink or beverage.

16 This bill would provide that a container of  
17 soda water or other soft drink or beverage is  
18 deemed misbranded if the product code has been  
19 removed or tampered with.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1           unless: it comes within one of a number of  
2           specified exceptions; it is approved by the  
3           affected entity; or the Legislature appropriates  
4           funds, or provides a local source of revenue, to  
5           the entity for the purpose.

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

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14                           A BILL  
15                           TO BE ENTITLED  
16                           AN ACT

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18           To add Section 20-1-25.1 to the Code of Alabama 1975  
19          to prohibit the removal of or tampering with the product code  
20          on a container of soda water or other soft drink or beverage  
21          and to provide criminal penalties therefor; and in connection  
22          therewith would have as its purpose or effect the requirement  
23          of a new or increased expenditure of local funds within the  
24          meaning of Amendment 621 of the Constitution of Alabama of  
25          1901, now appearing as Section 111.05 of the Official  
26          Recompilation of the Constitution of Alabama of 1901, as  
27          amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 20-1-25.1 is added to the Code of  
3 Alabama 1975, to read as follows:

4 §20-1-25.1.

5 A container of soda water or other soft drink or  
6 beverage shall be deemed misbranded if the product code on the  
7 container has been removed or tampered with.

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

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