

1 HB461
2 128700-1
3 By Representative Shiver
4 RFD: Agriculture and Forestry
5 First Read: 06-APR-11

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

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

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official Recompilation 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 food or beverage labels
26 related to product information; to prohibit storing,
27 transporting, holding for sale, or selling any food or

1 beverage product that bears a label that has been obscured,
2 removed, or otherwise rendered illegible; to provide for
3 penalties for violations of Section 20-1-27, Code of Alabama
4 1975; and in connection therewith would have as its purpose or
5 effect the requirement of a new or increased expenditure of
6 local funds within the meaning of Amendment 621 of the
7 Constitution of Alabama of 1901, now appearing as Section
8 111.05 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as 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 food or beverage products shall be punishable by a fine not
23 exceeding five thousand dollars (\$5,000) or by imprisonment
24 for not more than six months, or both such fine and
25 imprisonment. For purposes of this section, the term unit
26 shall mean a single, discreet food or beverage 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) Obscure, remove, or otherwise render illegible
11 any information appearing on food or beverage labels related
12 to production information, best before dates, or other
13 disclosure printed on, affixed to, or appearing on the label.

14 "(4) Store, transport, hold for sale, or sell any
15 food or beverage product that bears a label that has been
16 obscured, removed, or rendered illegible as described in
17 subdivision (3)."

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official ReCompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

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