

1 HB327  
2 136572-1  
3 By Representatives Fincher and Shiver  
4 RFD: Agriculture and Forestry  
5 First Read: 14-FEB-12

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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 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, transporting,  
22 holding for sale, or selling any beverage product  
23 that bears a labeling that has been obscured,  
24 removed, or 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 beverage labels,  
26 packages, or containers related to product information; to  
27 prohibit storing, transporting, holding for sale, or selling

1 any beverage product that bears a labeling that has been  
2 obscured, removed, or otherwise rendered illegible; to provide  
3 for penalties for violations of Section 20-1-27, Code of  
4 Alabama 1975; and in connection therewith would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds within the meaning of Amendment 621  
7 of the Constitution of Alabama of 1901, now appearing as  
8 Section 111.05 of the Official Recompilation of the  
9 Constitution of 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 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 "(4)a. Store, transport, hold for sale, or sell any  
22 beverage product that bears a labeling that has been obscured,  
23 removed, or rendered illegible as described in subdivision  
24 (3).

25 "b. This subdivision shall not apply to any  
26 alteration of a beverage label, package, or container made by,  
27 or at the direction of, either the owner of the trademark

1 rights to the brand that appears on the beverage label,  
2 package, or container or an authorized manufacturer of the  
3 beverage."

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

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