

1 SB365
2 161895-1
3 By Senators Figures, Smith, Dunn and Coleman
4 RFD: Judiciary
5 First Read: 09-APR-15

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8 SYNOPSIS: Under existing law, there is no specific
9 crime which makes it illegal for a person or
10 business establishment to possess, purchase, sell,
11 offer to sell, or use powdered alcohol.

12 This bill would make it illegal for a person
13 or business establishment to possess, purchase,
14 sell, offer to sell, or use powdered alcohol.

15 This bill would provide certain exceptions
16 and criminal penalties.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to alcohol; to prohibit the sale, use, or
16 offer to sell powdered alcohol; to provide exceptions and
17 criminal penalties; and in connection therewith would have as
18 its purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) For purposes of this section,
25 "powdered alcohol" is alcohol sold in a powder form, for
26 either direct use or reconstituted with water or food.

1 (b) It shall be unlawful for any person or business
2 establishment to possess, purchase, sell, offer to sell, or
3 use powdered alcohol.

4 (c) This section shall not apply to a hospital that
5 operates primarily for the purpose of conducting scientific
6 research, a state institution, a pharmaceutical company, or a
7 biotechnology company conducting bona fide research.

8 (d) A person or business establishment knowingly and
9 unlawfully possessing a powdered alcohol product shall be
10 fined not more than five hundred dollars (\$500).

11 (e) A person or business establishment knowingly and
12 unlawfully selling a powdered alcohol product shall be guilty
13 of a Class C felony.

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

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