

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

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

12 "§20-1-27.

13 "No person shall engage in any of the following
14 activities within this state:

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

19 "(2) Sell or offer for sale out-of-date Class A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

22 "(3)a. Obscure, remove, or otherwise render
23 illegible any information appearing on beverage labels,
24 packages, or containers related to production information,
25 best before dates, or other disclosure printed on, affixed to,
26 or appearing on the labels, packages, or containers.

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

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

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

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

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

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

25 "d. This subdivision shall not apply to any entity,
26 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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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Agriculture and
Forestry..... 14-FEB-12

Read for the second time and placed
on the calendar 1 amendment 14-MAR-12

Read for the third time and passed
as amended..... 02-MAY-12

Yeas 95, Nays 4, Abstains 0

Greg Pappas
Clerk