

1 SB109
2 202828-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 04-FEB-20

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8 SYNOPSIS: This bill would prohibit a person from
9 tampering with a consumer product, including food
10 and drugs offered for sale to the general public,
11 and would provide criminal penalties for a
12 violation.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to crimes and offenses; to create the crime
12 of tampering with a consumer product; to provide criminal
13 penalties for a violation; and in connection therewith would
14 have as its purpose or effect the requirement of a new or
15 increased expenditure of local funds within the meaning of
16 Amendment 621 of the Constitution of Alabama of 1901, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) As used in this section, the
21 following terms shall have the following meanings:

22 (1) BODILY INJURY. Any of the following:

23 a. A cut, abrasion, bruise, burn, or disfigurement.

24 b. Physical pain.

25 c. Illness.

26 d. Impairment of the function of a bodily member,
27 organ, or mental faculty.

1 e. Any other injury to the body, no matter how
2 temporary.

3 (2) CONSUMER PRODUCT. An article, product, or
4 commodity which is customarily produced or distributed for
5 consumption by individuals, or customarily produced or
6 distributed for use by individuals for purposes of personal
7 care or in the performance of services ordinarily rendered
8 within the household, and which is designed to be consumed or
9 expended in the course of that consumption or use. The term
10 includes food and drugs, as those terms are defined under
11 Section 20-1-20, Code of Alabama 1975.

12 (3) LABELING. All labels and other written, printed,
13 or graphic matter upon any article, agent, product, or
14 substance, or any of its containers or wrappers, or
15 accompanying the article, agent, product, or substance.

16 (4) SERIOUS BODILY INJURY. Bodily injury that
17 includes any of the following:

18 a. Substantial risk of death.

19 b. Extreme physical pain.

20 c. Protracted and obvious disfigurement.

21 d. Protracted impairment of the function of a bodily
22 member, organ, or mental faculty.

23 (b) (1) A person who, with reckless disregard for the
24 risk that another person will be placed in danger of death or
25 bodily injury, tampers with, or conspires or attempts to
26 tamper with, any consumer product or the labeling of, or

1 container for, any consumer product is guilty of a Class B
2 felony.

3 (2) A person who violates subdivision (1) and who
4 causes serious physical injury or death is guilty of a Class A
5 felony.

6 (c) A person who, with intent to cause injury to the
7 business of a person, tampers with a consumer product or
8 renders materially false or misleading the labeling of, or
9 container for, a consumer product is guilty of a Class B
10 felony.

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

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