

1-1 By: Gallegos S.B. No. 1215
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 20, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1215 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the quantity of beer or malt liquor a distributor or
1-11 wholesaler may withdraw from a retailer.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (e), Section 104.05, Alcoholic
1-14 Beverage Code, is amended to read as follows:

1-15 (e) To assure and control product quality, the holder of a
1-16 distributor's license, wholesaler's permit, or class B wholesaler's
1-17 permit, at the time of a regular delivery, may withdraw, with the
1-18 permission of the retailer, a quantity of beer, ale, or malt liquor
1-19 in its undamaged original packaging from the retailer's stock, if:

1-20 (1) the distributor, wholesaler, or class B wholesaler
1-21 replaces the stock with beer, ale, or malt liquor of identical
1-22 brands, quantities, and packages as the beer, ale, or malt liquor
1-23 withdrawn;

1-24 (2) the stock is withdrawn before the date considered
1-25 by the manufacturer of the product to be the date the product
1-26 becomes inappropriate for sale to a consumer; and

1-27 (3) the quantity of stock withdrawn does not exceed
1-28 the equivalent of 25 [~~15~~] cases of 24 12-ounce containers.

1-29 SECTION 2. This Act takes effect September 1, 2007.

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