

AN ACT

relating to the removal, destruction, and disposal of certain alcoholic beverages that become unfit for consumption after a natural disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 109, Alcoholic Beverage Code, is amended to read as follows:

SUBCHAPTER A. SALVAGED AND INSURED LOSSES; UNINSURED LOSSES

SECTION 2. Subchapter A, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.09 to read as follows:

Sec. 109.09. REMOVAL, DESTRUCTION, AND DISPOSAL OF UNINSURED BEVERAGES UNFIT FOR CONSUMPTION. (a) Uninsured ale, malt liquor, or beer that becomes unfit for public consumption, as described by Section 103.07(b), may be removed from the inventory of a retailer and destroyed and disposed of if the holder of the brewer's permit or manufacturer's license who manufactured the beverage and the wholesaler or distributor who distributed the beverage jointly determine that the beverage:

(1) became unfit for public consumption as the result of a natural disaster in an area declared to be a disaster under Section 418.014, Government Code; and

(2) should be removed from the inventory of the retailer.

(b) A brewer or manufacturer and a wholesaler or distributor

1 who jointly agree to the removal of a beverage under Subsection (a)
2 shall jointly provide for the delivery and replacement of the
3 removed beverage at no cost to the retailer from whose inventory the
4 beverage is removed. The brewer or manufacturer who manufactured
5 the removed beverage is responsible for the cost of a replacement
6 beverage provided under this section. The wholesaler or
7 distributor who distributed the removed beverage is responsible for
8 the cost of delivering a replacement beverage provided under this
9 section.

10 (c) A retailer from whose inventory a beverage is removed
11 under this section is responsible for the costs associated with the
12 removal, destruction, and disposal of the removed beverage.

13 (d) The commission by rule shall provide requirements
14 governing the removal, destruction, and disposal by a retailer of
15 uninsured ale, malt liquor, or beer that is determined to be unfit
16 for public consumption under this section. Rules adopted under
17 this subsection must include provisions requiring verification by a
18 retailer from whose inventory a beverage is removed that the
19 beverage has been removed, destroyed, and disposed of in the manner
20 required by the commission.

21 SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1210 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1210 passed the House, with amendment, on May 17, 2019, by the following vote: Yeas 146, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor