

By: Hancock  
(Harless)

S.B. No. 1210

Substitute the following for S.B. No. 1210:

By: Harless

C.S.S.B. No. 1210

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the removal, destruction, and disposal of certain  
3 alcoholic beverages that become unfit for consumption after a  
4 natural disaster.

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

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

8 SUBCHAPTER A. SALVAGED AND INSURED LOSSES; UNINSURED LOSSES

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

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

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

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

24 (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.