

AN ACT

relating to the local regulation of the sale of lemonade or other beverages by children.

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

SECTION 1. The heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF MUNICIPALITIES AND COUNTIES~~]

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. CERTAIN SALES OF BEVERAGES BY CHILDREN. Notwithstanding any other law, a municipality, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits or regulates, including by requiring a license, permit, or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age.

SECTION 3. Chapter 202, Property Code, is amended by adding Section 202.020 to read as follows:

Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A property owners' association of a residential subdivision may not adopt or enforce a restrictive covenant that prohibits or regulates, including by requiring a permit or fee, the occasional

1 sale of lemonade or other nonalcoholic beverages from a stand on
2 property located in the subdivision by an individual younger than
3 18 years of age who has the permission of a property owner in the
4 subdivision for the sale.

5 (b) A property owners' association:

6 (1) does not owe a duty of care to persons
7 participating in a beverage sale described by Subsection (a); and

8 (2) is not liable for any injury to persons
9 participating in a beverage sale described by Subsection (a),
10 except for wilful or wanton acts or gross negligence of the
11 association.

12 SECTION 4. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 234 was passed by the House on March 20, 2019, by the following vote: Yeas 144, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 234 on May 22, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 234 on May 26, 2019, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 234

I certify that H.B. No. 234 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 234 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor