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

(b) A property owners' association:
(1) does not owe a duty of care to persons
participating in a beverage sale described by Subsection (a); and
(2) is not liable for any injury to persons
participating in a beverage sale described by Subsection (a),
except for wilful or wanton acts or gross negligence of the
association.

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

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Secretary of the Senate

APPROVED: ____________________

Date

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Governor