H.B. No. 234

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.

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  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.

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Chief Clerk of the House

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