

By: Krause, Middleton, Guillen, Phelan,  
Price, et al.

H.B. No. 234

A BILL TO BE ENTITLED

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  
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.

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