

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 234

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.

ADOPTED

MAY 15 2019

Atty. Gen.
Secretary of the Senate

H.B. NO. 234

By: Krause et al./Nelson

Substitute the following for H.B. No. 234 :

By: *Campbell*

C.S. ____ B. No. ____

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

13140004

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 resides in the subdivision.

4 (b) A property owners' association:

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB234 by Krause (Relating to the local regulation of the sale of lemonade or other beverages by children.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code and the Property Code to prohibit local jurisdictions from regulating the sale of lemonade or other non-alcoholic beverages by children in certain locations and to prohibit property owners' associations from adopting or enforcing certain restrictive covenants that would impede these sales.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there would be no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, AF, SD, GP, CMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB234** by Krause (Relating to the local regulation of the sale of lemonade or other beverages by children.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code and the Property Code to prohibit local jurisdictions from regulating the sale of lemonade or other non-alcoholic beverages by children in certain locations and to prohibit property owners' associations from adopting or enforcing certain restrictive covenants that would impede these sales.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there would be no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, AF, SD, GP, CMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 3, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB234 by Krause (Relating to the local regulation of the sale of lemonade or other beverages by children.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to prohibit local jurisdictions from regulating the sale of lemonade or other non-alcoholic beverages by children in certain locations.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there would be no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of
LBB Staff: WP, AF, SD, GP, CMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 7, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB234 by Krause (relating to the local regulation of the sale of lemonade or other beverages by children.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to prohibit local jurisdictions from regulating the sale of lemonade or other non-alcoholic beverages by children.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there would be no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, CMa, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

February 27, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB234 by Krause (Relating to the local regulation of the sale of lemonade or other beverages by children.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to prohibit local jurisdictions from prohibiting the sale of lemonade or other non-alcoholic beverages by children.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there is no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, CMa, SD, GP