| **House Bill 234**Senate AmendmentsSection-by-Section Analysis |
| --- |
| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| 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 1. Same as House version. |  |
| 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 2. Same as House version. |  |
| 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 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. | 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 resides in the subdivision.(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 willful or wanton acts or gross negligence of the association. |  |
| SECTION 4. This Act takes effect September 1, 2019. | SECTION 4. Same as House version. |  |