

House Bill 234
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 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.

SENATE VERSION (CS)

SECTION 1. Same as House version.

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) 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

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(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.