

Chapter 1027

H.B. No. 234

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  
6 Code, 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  
10 by 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 by  
15 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

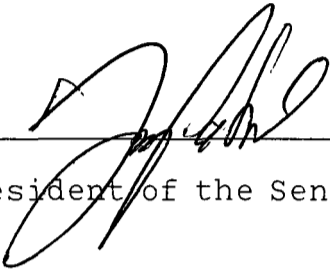
1 sale of lemonade or other nonalcoholic beverages from a stand on  
2 property located in the subdivision by an individual younger than  
3 18 years of age who has the permission of a property owner in the  
4 subdivision for the sale.

5 (b) A property owners' association:

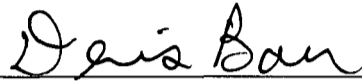
6 (1) does not owe a duty of care to persons  
7 participating in a beverage sale described by Subsection (a); and

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

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



\_\_\_\_\_  
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.

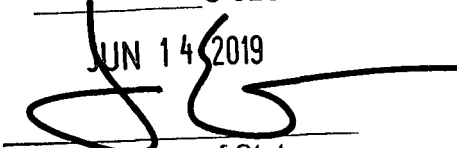


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Chief Clerk of the House

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

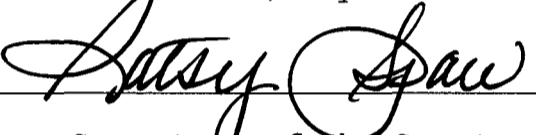
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Secretary of State

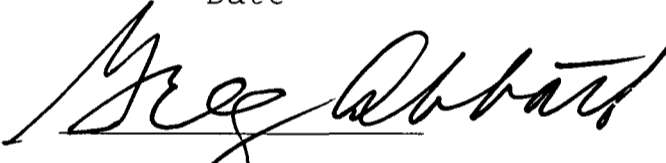
H.B. No. 234

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.

  
Secretary of the Senate

APPROVED: 6-10-2019

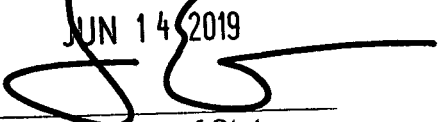
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

10:00 AM O'CLOCK

JUN 14 2019

  
Secretary of State