



Lemonade Protection Act

HB 3 - SB 38x

Bill Text

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) 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 has the permission of a property owner in the subdivision for the sale.

(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 wilful or wanton acts or gross negligence of the association.

SECTION 4. This Act takes effect September 1, 2020.

School

Three Rivers High School

Senate Committee Laying Out

in

State Affairs

Senate Author

Marshall Dragon

House Committee Laying Out

In

State Affairs

House Authors

Ashlyn Huff

Jonathan Albor

Juan Zermeno

Lobbyist

Manuel Christian Alvarado

Journalist

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