

**SUBJECT:** Prohibiting local ordinances against children's lemonade stands

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

**WITNESSES:** For — Adam Cahn, Cahnman's Musings; Robin Lennon, Kingwood TEA Party, Inc.; Mikaila Ulmer, Me and the Bees; Steven Gordon, National Lemonade Day; Terry Holcomb, Republican Party of Texas; Branson Burton; Sidharth Srinivasan; (*Registered, but did not testify:* Paul Hodson and Shelby Williams, Convention of States; Judith McGeary, Farm and Ranch Freedom Alliance; James Lennon, Kingwood TEA Party; Fran Rhodes, NE Tarrant Tea Party; Richard Davey, Nettp; Gail Stanart and Summer Wise, Republican Party of Texas; Mark Ramsey, Republican Party of Texas, SREC SD7; Cary Cheshire, Texans for Fiscal Responsibility; Mia McCord, Texas Conservative Coalition; Jonathan Saenz, Texas Values; Nicole Hudgens, Texas Values Action; and 19 individuals)

Against — None

**DIGEST:** CSHB 234 would prohibit local governments from adopting or enforcing a regulation on the occasional sale of lemonade or other nonalcoholic beverages by an individual under age 18 from a stand on private property.

The bill would take effect September 1, 2019.

**SUPPORTERS SAY:** CSHB 234 would ensure that children across Texas were allowed the opportunity to run a lemonade stand on private property, thereby preserving a practice that teaches entrepreneurship, self-confidence, and financial skills. Local ordinances and rules can get in the way of this formative childhood experience.

In addition to lemonade, the bill would exempt "other nonalcoholic beverages" from local regulation to ensure that child entrepreneurs offering water, juice, Kool-Aid, or other beverages were protected from regulatory interference in the same way as children selling lemonade.

**OPPONENTS  
SAY:**

CSHB 234's prohibition of regulation of sales of "other nonalcoholic beverages" by children on private property could be too broad, potentially creating an unintended loophole for the unregulated sale of products that could need special handling or storage.