

By: Representative Shanks

To: Judiciary A

HOUSE BILL NO. 1039

1 AN ACT TO PROVIDE THAT NO MUNICIPALITY, COUNTY, LOCAL PUBLIC  
2 HEALTH AUTHORITY OR PROPERTY OWNERS ASSOCIATION MAY ADOPT OR  
3 ENFORCE ANY ORDINANCE, ORDER OR OTHER REGULATIONS THAT PROHIBIT OR  
4 REGULATE THE SALE OF LEMONADE OR OTHER NONALCOHOLIC BEVERAGES THAT  
5 ARE SOLD BY MINORS ON PRIVATE PROPERTY; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) Notwithstanding any law to the contrary, a  
8 municipality, county or other local public health authority may  
9 not adopt or enforce an ordinance, order or rule that prohibits or  
10 regulates, including by requiring a license, permit or fee, the  
11 occasional sale of lemonade or other nonalcoholic beverages from a  
12 stand on private property or in a public park by an individual  
13 younger than eighteen (18) years of age.

14 (2) In addition to the prohibition provided in subsection  
15 (1) of this section and notwithstanding any law to the contrary,  
16 a property owners association of a residential subdivision may not  
17 adopt or enforce a restrictive covenant that prohibits or  
18 regulates, including by requiring a permit or fee, the occasional  
19 sale of lemonade or other nonalcoholic beverages from a stand on



20 property located in the subdivision by an individual younger than  
21 eighteen (18) years of age.

22           **SECTION 2.** This act shall take effect and be in force from  
23 and after July 1, 2024.

