STATE OF NEW YORK

784

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. McDONALD, FAHY, WOERNER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting unauthorized listing of food places on the application and/or website of food delivery platforms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 391-v to read as follows:

§ 391-v. Consumer transparency; food delivery platforms. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Food delivery platform" means an online business including, but not limited to, third-party food delivery application companies that act as an intermediary between consumers and multiple food places to submit food orders from a consumer to a participating food place, and to arrange for the delivery of such order from such food place to the consumer.

(b) "Food place" means any restaurant, dining room, food truck, or other business engaged in the preparation and service of food for consumption by the general public on or off premises.

2. A food delivery platform shall not arrange for the delivery of an order from a food place without first entering into a written agreement with such food place expressly authorizing such food delivery platform to take orders and to deliver food and/or beverages prepared by such food place.

3. A food delivery platform shall be prohibited from listing a food place on its application and/or website as a participating food place without first executing a written agreement pursuant to subdivision two of this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD04821-01-1

4. In the event a food delivery platform receives a written request from a food place requesting that such food place be removed from such food delivery platform's application and/or website, such food delivery platform shall confirm receipt of such request and remove such food place from its application and/or website immediately thereafter.

5. In the event that a food delivery platform does not remove a food place from its application and/or website after receiving a request to do so from such food place within five business days of receiving such request, such food delivery platform shall be fined five hundred dollars for each day such food delivery platform fails to remove such food place from its application and/or website.

§ 2. This act shall take effect immediately.