

# STATE OF NEW YORK

2136

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. DE LOS SANTOS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assault on a food delivery person

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

1 Section 1. The penal law is amended by adding a new section 120.19-a  
2 to read as follows:

3 § 120.19-a Assault on a food delivery person.

4 1. A person is guilty of assault on a food delivery person when, with  
5 the intent to prevent a food delivery person from performing an act  
6 within the scope of such person's employment, such person causes phys-  
7 ical injury to such food delivery person and the person knew or reason-  
8 ably should have known that such individual was a food delivery person;  
9 or

10 2. Strikes, shoves, kicks, or otherwise subjects a food delivery  
11 person to physical contact, which includes spitting on such food deliv-  
12 ery person, and the person knew or reasonably should have known that  
13 such individual was a food delivery person.

14 3. For purposes of this section:

15 (a) "food delivery person" shall mean a person employed by a restau-  
16 rant, or put into service by a restaurant, retail food store licensed by  
17 the department of agriculture and markets, or a third party vendor, to  
18 deliver food or other goods pursuant to an order placed by a customer.

19 (b) "restaurant" means any coffee shop, cafeteria, luncheonette, sand-  
20 wich stand, diner, short order cafe, fast food establishment, soda foun-  
21 tain, bubble tea shop, food stand, food truck, and any other eating or  
22 beverage establishment which provides food delivery service as an adver-  
23 tised part of its business operation or contracts food delivery services  
24 through a third party vendor.

25 Assault on a food delivery person is a class E felony.

26 § 2. This act shall take effect on the ninetieth day after it shall  
27 have become a law.

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

LBD03343-02-5