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:

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

§ 120.19-a Assault on a food delivery person.

1. A person is guilty of assault on a food delivery person when, with the intent to prevent a food delivery person from performing an act within the scope of such person's employment, such person causes physical injury to such food delivery person and the person knew or reasonably should have known that such individual was a food delivery person; or

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

3. For purposes of this section:

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

(b) "restaurant" means any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order cafe, fast food establishment, soda fountain, bubble tea shop, food stand, food truck, and any other eating or beverage establishment which provides food delivery service as an advertised part of its business operation or contracts food delivery services through a third party vendor.

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

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

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

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