

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 493

Short Title: Defining/Regulating Food Delivery Platforms. (Public)

Sponsors: Representative White.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 8, 2021

A BILL TO BE ENTITLED

AN ACT DEFINING AND REGULATING THE OPERATION OF FOOD DELIVERY PLATFORMS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ 75-44. Food delivery platforms.

(a) A food delivery platform must obtain express written authorization from an eating establishment before (i) advertising, directly or indirectly, any statement or image that implies an eating establishment has partnered with the food delivery platform or (ii) arranging for the delivery of a food order from an eating establishment. An eating establishment may revoke authorization under this section by notifying the food delivery platform in writing. For purposes of this section, the term "eating establishment" has the same meaning as in G.S. 18B-1000 and the term "food delivery platform" means an online business that acts as an intermediary between consumers and multiple eating establishments by submitting food orders to the eating establishment and arranging for the delivery of the order from the eating establishment to consumers.

(b) A violation of this section constitutes an unfair trade practice under G.S. 75-1.1 and is subject to all of the enforcement and penalty provisions under this Article."

SECTION 2. G.S. 130A-248 reads as rewritten:

"§ 130A-248. Regulation of food and lodging establishments.

...

(a7) For the protection of the public health, the Commission shall adopt rules governing the delivery of food orders by a food delivery platform. The term "food delivery platform" has the same meaning as in G.S. 75-44.

...."

SECTION 3. This act becomes effective July 1, 2021.

