

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 493
Apr 5, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40311-NE-49

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

Sponsors: Representative White.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DEFINING AND REGULATING THE OPERATION OF FOOD DELIVERY
3 PLATFORMS.

4 The General Assembly of North Carolina enacts:

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

7 **"§ 75-44. Food delivery platforms.**

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

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

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

21 **"§ 130A-248. Regulation of food and lodging establishments.**

22 ...

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

26"

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

