

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 599
PROPOSED COMMITTEE SUBSTITUTE H599-PCS10446-RN-20

Short Title: Unfair Advertising/Food Delivery Platforms.

(Public)

Sponsors:

Referred to:

April 17, 2023

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING UNFAIR AND DECEPTIVE ADVERTISING BY FOOD
3 DELIVERY 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. Unfair and deceptive trade practices by food delivery platforms.**

8 (a) The following definitions apply in this section:

9 (1) Food delivery platform. – An online business that acts as an intermediary
10 between consumers and multiple restaurants by submitting food orders to the
11 restaurant and arranging for the delivery of the order from the restaurant to
12 consumers.

13 (2) Restaurant. – A business primarily engaged in the preparation and sale of food
14 and beverages for consumption on or off the premises.

15 (b) A food delivery platform must obtain express written authorization from a restaurant,
16 or the restaurant's agent, before doing any of the following:

17 (1) Advertising, directly or indirectly, any statement or image that implies a
18 restaurant has partnered with the food delivery platform.

19 (2) Using a likeness, trademark, or other intellectual property belonging to a
20 restaurant.

21 (3) Arranging for the delivery of a food order from a restaurant.

22 A restaurant, or the restaurant's agent, may revoke authorization under this section by
23 notifying the food delivery platform in writing.

24 (c) If a food delivery platform violates this section, the restaurant whose express written
25 authorization was required may bring any of the following actions in civil court:

26 (1) An action to enjoin further violations of this section by the food delivery
27 platform.

28 (2) An action to recover treble damages pursuant to G.S. 75-16. The damages
29 trebled in a civil action brought pursuant to this subdivision shall equal the
30 greater of the following:

31 a. The restaurant's actual damages arising from the violation.

32 b. The food delivery platform's profits arising from the violation.

33 (d) A violation of this section is a violation of G.S. 75-1.1."

34 **SECTION 2.** This act becomes effective October 1, 2023.



* H 5 9 9 - P C S 1 0 4 4 6 - R N - 2 0 *