Legislation Details (With Text)

File #:	Int 2333-2021	**Version:**	A	**Name:**	Prohibiting the inclusion of a food service establishment's products on a third-party food delivery platform without a written agreement authorizing such inclusion, and to provide penalties.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Small Business
On agenda:	6/17/2021				
Enactment date:	8/29/2021			**Enactment #:**	2021/091

Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the inclusion of a food service establishment's products on a third-party food delivery platform without a written agreement authorizing such inclusion, and to provide penalties

Sponsors: Mark Gjonaj, Bill Perkins, Robert E. Cornegy, Jr.

Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 2333-A, 2. Summary of Int. No. 2333, 3. Int. No. 2333, 4. June 17, 2021 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 6-17-21, 6. Minutes of the Stated Meeting - June 17, 2021, 7. Committee Report 7/1/21, 8. Hearing Testimony 7/1/21, 9. Hearing Transcript 7/1/21, 10. Proposed Int. No. 2333-A - 7/22/21, 11. Committee Report 7/29/21, 12. Hearing Transcript 7/29/21, 13. Committee Report - Stated Meeting, 14. July 29, 2021 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 7-29-21, 16. Minutes of the Stated Meeting - July 29, 2021, 17. Int. No. 2333-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 91

Date	Ver.	Action By	Action	Result
6/17/2021	*	City Council	Introduced by Council	
6/17/2021	*	City Council	Referred to Comm by Council	
7/1/2021	*	Committee on Small Business	Hearing Held by Committee	
7/1/2021	*	Committee on Small Business	Laid Over by Committee	
7/29/2021	*	Committee on Small Business	Hearing Held by Committee	
7/29/2021	*	Committee on Small Business	Amendment Proposed by Comm	
7/29/2021	*	Committee on Small Business	Amended by Committee	
7/29/2021	A	Committee on Small Business	Approved by Committee	Pass
7/29/2021	A	City Council	Approved by Council	Pass
7/29/2021	A	City Council	Sent to Mayor by Council	
8/29/2021	A	Administration	City Charter Rule Adopted	
8/30/2021	A	City Council	Returned Unsigned by Mayor	

Int. No. 2333-A

By Council Members Gjonaj, Perkins and Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the inclusion of a food service establishment's products on a third-party food delivery platform without a written agreement

authorizing such inclusion, and to provide penalties

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.2 to read as follows:

§ 20-847.2 Unauthorized listings. a. Notwithstanding section 20-845, for the purposes of this section the term "third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment located in the city that is owned and operated by a different person.

b. A third-party food delivery service shall not list, advertise, promote, or sell a food service establishment's products on, or arrange for the delivery of an order of such products through, the website, mobile application or other platform of such third-party food delivery service without a written agreement between such third-party delivery service and such food service establishment to include the food service establishment's products on such website, mobile application or other platform.

c. An agreement executed in accordance with this section shall not include a provision, clause, or covenant that requires a food service establishment to indemnify a third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment's product leaves the place of business of the food service establishment. To the extent an agreement executed in accordance with this section contains such a provision, such provision shall be deemed void and unenforceable.

d. Outreach. No more than 30 days after the effective date of the local law that added this section, and continuing for 90 days thereafter, the commissioner shall conduct outreach in the designated citywide languages, as defined in section 23-1101, to alert food service establishments and third-party food

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delivery services to this section. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to food service establishments, third-party food delivery services and other relevant stakeholders.

§ 2. Subdivision a of section 20-848 of the administrative code of the city of New York, as amended by local law number 51 for the year 2020, is amended to read as follows:

a. Any person that violates any provision of [section 20-846] this subchapter or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed [$1,000] $500 per violation[. Any person] except that a person that violates any provision of section [20-847] 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed [$500] $1000 per violation. Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment [charged a fee in] with respect to which a violation of this subchapter or any rule promulgated pursuant to this subchapter was committed.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

NLB/SJ
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