



PA 21-166—sHB 6602
Commerce Committee
Appropriations Committee

AN ACT CONCERNING THIRD-PARTY DELIVERY SERVICES FOR RESTAURANTS

SUMMARY: This act prohibits third-party food delivery services (e.g., Grubhub, Uber Eats, DoorDash, etc.) from:

1. falsely suggesting a relationship (i.e., sponsorship, endorsement, or affiliation) with a food service establishment by using the establishment's likeness, registered trademark, or intellectual property and
2. using their proprietary marketplace (e.g., website or mobile application) to take orders and arrange for the delivery of a food service establishment's products without first obtaining the establishment's written consent.

The act allows a food service establishment to bring an action in Superior Court to recover the greater of \$5,000 or actual damages when (1) a third-party delivery service uses its likeness or (2) it appears on a third-party delivery service's proprietary marketplace in violation of the act. It allows the court to award punitive damages and other equitable relief as it deems appropriate.

Lastly, the act bars contracts between third-party delivery services and food service establishments, entered into on and after October 1, 2021, from including a provision, clause, or covenant requiring an establishment to hold harmless the delivery service or its independent contractors or agents for any damages or harm they cause.

Under the act, "third-party delivery service" means a company, organization, or entity, outside of a food establishment's operation, that facilitates online ordering or delivery services to customers. A "marketplace" is a third-party's proprietary online communication platform where customers can (1) view and search food service establishments' menus and (2) place orders through the third-party's website or mobile application that the establishment, third-party delivery service, or the service's independent contractors deliver.

EFFECTIVE DATE: October 1, 2021