

Senate Bill 34

By: Senators Parent of the 42nd, Ginn of the 47th, Albers of the 56th, Jones II of the 22nd and Harrell of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to food service establishments, so as to prohibit a third-party delivery service from
3 committing unfair, unsafe, and unhealthy practices in this state; to provide for definitions;
4 to prohibit a third-party delivery service from arranging for the delivery of ready-to-eat food
5 from a food service establishment before establishing a contractual relationship with such
6 establishment; to prohibit a third-party delivery service from using a food service
7 establishment's name, likeness, registered trademark, or intellectual property without such
8 establishment's consent unless certain requirements are met; to require the food holding area
9 of a vehicle being used to transport or deliver ready-to-eat food from a food service
10 establishment to a customer as requested through a third-party delivery service to be kept
11 clean; to require the use of thermal containers to transport ready-to-eat food from a food
12 service establishment to a customer as requested through a third-party delivery service; to
13 require bags or containers in which ready-to-eat foods are being transported or delivered
14 from a food service establishment to a customer as requested through a third-party delivery
15 service to be closed or sealed and kept closed or sealed until delivery to the customer; to
16 prohibit smoking and vaping in a vehicle operated by a deliverer contracted with a third-party
17 delivery service for the transportation and delivery of ready-to-eat food from a food service
18 establishment to a customer as requested through such service; to prohibit the presence of
19 animals, excluding in-use service animals, in a vehicle operated by a deliverer contracted

20 with a third-party delivery service during the transportation and delivery of ready-to-eat food
21 from a food service establishment to a customer as requested through a third-party delivery
22 service; to provide for rules, regulations, and enforcement; to provide for related matters; to
23 provide for an effective date; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
27 food service establishments, is amended by adding a new Code section to read as follows:

28 "26-2-380.

29 (a) As used in this Code section, the term:

30 (1) 'Contract' means a written contractual agreement between a food service
31 establishment and a third-party delivery service.

32 (2) 'Customer' means the person, business, or other entity placing or receiving an order
33 for the delivery of ready-to-eat food from a food service establishment through a
34 third-party delivery service.

35 (3) 'Ready-to-eat food' means food in a form that is edible without additional preparation
36 to render it safe for consumption.

37 (4) 'Third-party delivery service' means a company, organization, or entity that facilitates
38 the delivery of ready-to-eat food from a food service establishment to a customer through
39 a website, mobile application, platform, or other electronic service.

40 (b) A third-party delivery service shall not:

41 (1) Arrange for the delivery of an order from a food service establishment to a customer
42 without first entering into a contract with such establishment expressly authorizing such
43 service to take orders for, transport, and deliver such orders from such establishment to
44 a customer; or

45 (2) Use the food service establishment's name, likeness, registered trademark, or
46 intellectual property without first obtaining such establishment's consent, unless such use
47 is permitted under federal or state law and is accompanied by the following disclaimer,
48 in a noticeable typeface, font, size, color, and capital letters, beneath the food service
49 establishment's name, likeness, registered trademark, or intellectual property:

50 'THIS THIRD-PARTY DELIVERY SERVICE IS NOT AN AUTHORIZED
51 DELIVERY SERVICE FOR THIS FOOD SERVICE ESTABLISHMENT AND DOES
52 NOT HAVE AN AGREEMENT TO DELIVER FOR THIS FOOD SERVICE
53 ESTABLISHMENT. PLEASE CONTACT THE FOOD SERVICE
54 ESTABLISHMENT DIRECTLY TO OBTAIN UP-TO-DATE INFORMATION ON
55 MENU ITEMS, PRICES, FEES, TIPS, DELAYS, AND INABILITY TO FULFILL
56 ORDERS.'

57 (c) Ready-to-eat food delivered through a third-party delivery service shall be transported
58 and delivered in a manner that meets all of the following requirements:

59 (1) The interior floor, sides, and top of the food-holding area within the vehicle used for
60 transportation and delivery shall be clean and capable of withstanding frequent cleaning;

61 (2) The ready-to-eat food shall be maintained at a holding temperature necessary to
62 prevent spoilage using appropriate thermal containers;

63 (3) All bags or containers in which ready-to-eat food is being transported or delivered
64 from a food service establishment to a customer shall be closed or sealed by such food
65 service establishment with a tamper-resistant method prior to the third-party delivery
66 service taking possession of such food, and all such bags or containers shall remain
67 closed or sealed until delivery to the customer;

68 (4) The individual transporting or delivering the ready-to-eat food items for a third-party
69 delivery service shall not have any animals in the vehicle when ready-to-eat food for
70 delivery is being transported or delivered in such vehicle; provided, however, that a

71 trained and certified service delivery animal on duty assisting such individual may be
72 present; or

73 (5) Smoking or vaping in the vehicle while ready-to-eat food items are in the vehicle
74 shall be prohibited.

75 (d) A third-party delivery service shall be liable for any harm or injury caused by a failure
76 by such service or its agent to meet the requirements of this Code section.

77 (e) The Department of Public Health and the county boards of health, acting as duly
78 authorized agents of the department, are authorized to enforce this Code section."

79 **SECTION 2.**

80 This Act shall become effective on January 1, 2024.

81 **SECTION 3.**

82 All laws and parts of laws in conflict with this Act are repealed.