



Councilmember Charles Allen

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Fair Meals Delivery Act of 2022, to restrict third-party meal delivery services from reducing a restaurant’s placement within a given list of restaurants on a third-party food delivery platform based on the level or percentage of commissions paid, and to make other clarifying changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Food Delivery Fees Transparency Emergency Amendment Act of 2023”.

Sec. 2. The Fair Meals Delivery Act of 2022, effective March 10, 2023 (D.C. Law 24-292; D.C. Official Code § 48-651 *et seq.*), is amended as follows:

(a) The long title is amended by striking the word “platform” wherever it appears and inserting the word “service” in its place.

(b) Section 2 (D.C. Official Code § 48-651) is amended as follows:

(1) Paragraph (1) is amended by striking the word “platform” and inserting the word “service” in its place.

(2) Paragraph (2) is amended as follows:

(A) Strike the phrase “modalities or platforms offered by a third-party meal delivery platform, including any website, mobile application, or other internet service” and insert the phrase “third-party meal delivery platforms” in its place.

33 (B) Strike the phrase “platform lists” and insert the phrase “service lists”
34 in its place.

35 (C) Strike the phrase “platform of” and insert the phrase “service of” in its
36 place.

37 (D) Strike the phrase “platform to” and insert the phrase “service to” in its
38 place.

39 (3) A new paragraph (2A) is added to read as follows:

40 “(2A) “Covered restaurant” means a restaurant that elects to receive only core
41 delivery service.”.

42 (4) A new paragraph (6A) is added to read as follows:

43 “(6A) “Third-party meal delivery service” means a person that operates a third-
44 party meal delivery platform.”.

45 (c) Section 3 (D.C. Official Code § 48-652) is amended as follows:

46 (1) The section heading is amended by striking the phrase ”meals delivery
47 platforms” and inserting the phrase ”meal delivery services” in its place.

48 (2) Subsection (a) is amended by striking the word “platform” both times it
49 appears and inserting the word “service” in its place.

50 (3) Subsection (b) is amended by striking the word “platform” both times it
51 appears and inserting the word “service” in its place.

52 (4) Subsection (c) is amended as follows:

53 (A) Paragraph (1) is amended by striking the word “platform” and
54 inserting the word “service” in its place.

55 (B) Paragraph (2) is amended by striking the word “platform” and
56 inserting the word “service” in its place.

57 (5) Subsection (d) is amended by striking the phrase “platform that” and inserting
58 the phrase “service that” in its place.

59 (6) A new subsection (e) is added to read as follows:

60 “(e) A third-party meal delivery service shall not reduce the placement of a covered
61 restaurant, in any page, list, or search results in which the covered restaurant is included, relative
62 to other restaurants, based on the level or percentage of commissions paid; provided, that this
63 subsection shall not be construed to restrict a third-party meal delivery service’s ability to use
64 any method (that does not conflict with the restrictions in this subsection or any other applicable
65 law) to determine the displaying and ordering of restaurants on a third-party meal delivery
66 platform, including:

67 “(1) Offering preferential listing to restaurants that pay for advertising or other
68 promotional services;

69 “(2) Displaying restaurants based on a particular customer’s search or purchase
70 history, proximity to a customer’s location, or other similar factors; and

71 “(3) Relying on an algorithm to implement paragraph (1) or (2) of this
72 subsection.”.

73 (d) The lead-in language of Section 4 (D.C. Official Code § 48-653) is amended as
74 follows:

75 (1) Strike the phrase “, the third-party meal delivery platform” and insert the
76 phrase “, the third-party meal delivery service” in its place.

77 (2) Strike the phrase “platform (“charges”)” and inserting the phrase “service
78 (“charges”)” in its place.

79 (e) Section 5 (D.C. Official Code § 48-654) is amended as follows:

80 (1) Subsection (a) is amended as follows:

81 (A) Strike the phrase “third-party meal delivery platform” both times it
82 appears and insert the phrase “third-party meal delivery service” in its place.

83 (B) Strike the phrase “platform does” and inserting the phrase “third-party
84 meal delivery service does” in its place.

85 (2) Subsection (b) is amended as follows:

86 (A) The lead-in language is amended by striking the word “platform” and
87 inserting the word “service” in its place.

88 (B) Paragraph (2) is amended by striking the word “platform” and
89 inserting the word “service” in its place.

90 (f) Section 6 (D.C. Official Code § 48-655) is amended as follows:

91 (1) The section heading is amended by striking the word “platform” and inserting
92 the word “service” in its place.

93 (2) Strike the phrase “A person, corporation, partnership, or association operating
94 a third-party food delivery platform in the District of Columbia” and insert the phrase “A third-
95 party food delivery service operating in the District” in its place.

96 Sec. 3. Fiscal impact statement.

97 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
98 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
99 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

100 Sec. 4. Effective date.

101 This act shall take effect following approval by the Mayor (or in the event of veto by the
102 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
103 90 days, as provided for emergency acts of the Council of the District of Columbia in section
104 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
105 D.C. Official Code § 1-204.12(a)).