

ASSEMBLY BILL NO. 116—ASSEMBLYMEMBER TORRES-FOSSETT

PREFILED JANUARY 23, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to food delivery service platform providers. (BDR 52-898)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade practices; prohibiting a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless the operator of the food dispensing establishment has obtained the required permit to operate the food dispensing establishment issued by the health authority; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law sets forth various requirements and restrictions concerning food
- 2 delivery service platforms, which existing law defines to mean an Internet website,
- 3 online service or mobile application which allows users to purchase food from
- 4 multiple food dispensing establishments and arrange for the same-day delivery or
- 5 same-day pickup of such food. (NRS 597.7625-597.7642) Existing law designates a
- 6 person who operates such a platform as a food delivery service platform provider.
- 7 (NRS 597.7628) Existing law defines “food dispensing establishment” to mean, in
- 8 general, a food establishment that prepares and serves food intended for immediate
- 9 consumption. (NRS 597.7629) Existing law prohibits, with certain exceptions, a
- 10 person from operating a food establishment unless the person possess a valid permit
- 11 issued to the person by the health authority. (NRS 446.870)
- 12 Under existing law, a food delivery service platform provider is prohibited
- 13 from facilitating an online food order involving a food dispensing establishment,
- 14 including, without limitation, arranging for the same-day delivery or same-day
- 15 pickup of food prepared by a food dispensing establishment, unless the food
- 16 delivery service platform provider has entered into a written agreement with the
- 17 food dispensing establishment authorizing such activities. (NRS 597.7635)
- 18 Although no penalty is specifically provided for violating that prohibition, existing



19 law provides that whenever the performance of any act is prohibited by any statute,
20 and no penalty for the violation of such statute is imposed, a person who commits
21 that act is guilty of a misdemeanor. (NRS 193.151)

22 This bill prohibits a food delivery service platform provider from facilitating an
23 online food order involving a food dispensing establishment unless the operator of
24 the food dispensing establishment has obtained the required permit to operate the
25 food dispensing establishment issued by the health authority. This bill specifically
26 provides that a food delivery service platform provider who violates that
27 prohibition or the prohibition against facilitating an online food order without the
28 written agreement with the food dispensing establishment required under existing
29 law is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 597.7635 is hereby amended to read as
2 follows:

3 597.7635 **1.** A food delivery service platform provider shall
4 not facilitate an online food order involving a food dispensing
5 establishment, including, without limitation, arranging for the same-
6 day delivery or same-day pickup of food prepared by a food
7 dispensing establishment, unless ~~the~~:

8 *(a) The operator of the food dispensing establishment has*
9 *obtained a permit to operate the food dispensing establishment*
10 *issued pursuant to NRS 446.875; and*

11 *(b) The food delivery service platform provider has entered into*
12 *a written agreement with the food dispensing establishment that*
13 *expressly authorizes the food delivery service platform provider to*
14 *engage in such activities.*

15 **2.** *A food delivery service platform provider who violates the*
16 *provisions of subsection 1 is guilty of a misdemeanor.*

