



2023 SENATE BILL 290

May 15, 2023 - Introduced by Senators TESTIN, BALLWEG, TOMCZYK, WANGGAARD and SPREITZER, cosponsored by Representatives DALLMAN, SWEARINGEN, ALLEN, BARE, CLANCY, CONSIDINE, DITTRICH, EDMING, GOEBEN, GREEN, KITCHENS, KRUG, MAXEY, MURPHY, PLUMER, RETTINGER, SCHRAA, SHANKLAND, SINICKI, SNODGRASS, SNYDER, STEFFEN, SUBECK, WITTKE and VANDERMEER. Referred to Committee on Labor, Regulatory Reform, Veterans and Military Affairs.

1 **AN ACT to create** 100.75 of the statutes; **relating to:** third-party food delivery
2 services and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill establishes requirements for third-party food delivery services that operate digital networks and deliver food purchased from restaurants through digital networks. Specifically, the bill establishes three requirements:

1. That third-party food delivery services provide a publicly accessible process for a restaurant to request its removal from the digital network of a third-party food delivery service. Third-party food delivery services must remove a requesting restaurant from its digital network within three business days of the request. Also, third-party food delivery services may not solicit requests from consumers that a restaurant be added to the digital network of a third-party food delivery service.

2. That third-party food delivery services ensure that individuals delivering food for the third-party food delivery service have knowledge of basic food safety principles, including personal hygiene and avoiding cross contamination.

3. That third-party food delivery services provide to an owner or operator of a restaurant the contents of orders placed from the restaurant with the third-party food delivery service and the times that orders are placed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 290**SECTION 1**

1 **SECTION 1.** 100.75 of the statutes is created to read:

2 **100.75 Third-party food delivery services. (1) DEFINITIONS.** In this
3 section:

4 (a) “Consent” means a mutual acknowledgment by both a restaurant and a
5 3rd-party food delivery service, including a mutual acknowledgment obtained
6 electronically or orally.

7 (b) “Digital network” means a website or online-enabled application, software,
8 or system that allows a consumer to view and search the menus of restaurants and
9 purchase food from restaurants for delivery.

10 (c) “Restaurant” has the meaning given in s. 125.02 (18).

11 (d) “Third-party food delivery service” means a person who operates a digital
12 network and delivers food purchased through the digital network to consumers.

13 **(2) LISTING; REMOVAL.** (a) A 3rd-party food delivery service shall provide a
14 publicly accessible process for a restaurant to request the removal of the restaurant
15 from the digital network of the 3rd-party food delivery service.

16 (b) If a restaurant requests to be removed from the digital network of a
17 3rd-party food delivery service, all of the following apply:

18 1. The 3rd-party food delivery service shall remove the restaurant from its
19 digital network within 3 business days of receiving the request.

20 2. The 3rd-party food delivery service may not list the restaurant on its digital
21 network, offer the restaurant’s food for delivery, or use the restaurant’s name,
22 address, logo, or menu without consent.

23 (c) A 3rd-party food delivery service may not solicit requests from consumers
24 for a restaurant to be added to the digital network of the 3rd-party food delivery
25 service.

SENATE BILL 290

1 **(3) DELIVERY REQUIREMENTS.** A 3rd-party food delivery service shall ensure that
2 individuals delivering food for the 3rd-party food delivery service have knowledge
3 of basic food safety principles, including personal hygiene and avoiding cross
4 contamination.

5 **(4) SHARING OF DATA.** A 3rd-party food delivery service shall provide to an owner
6 or operator of a restaurant listed on its digital network information that identifies
7 all of the following related to orders placed with the 3rd-party food delivery service
8 involving the restaurant:

9 (a) The contents of orders.

10 (b) The times that orders are placed.

11 **(5) PENALTIES.** If a 3rd-party food delivery service violates sub. (2) (b), the
12 department may commence an action against the 3rd-party food delivery service in
13 the name of the state to recover one of the following penalties:

14 (a) For a first violation involving a particular restaurant, a civil forfeiture of
15 \$1,000.

16 (b) For a 2nd violation involving a particular restaurant, a civil forfeiture of
17 \$5,000.

18 (c) For a 3rd or subsequent violation involving a particular restaurant, a civil
19 forfeiture of \$10,000.

20 **SECTION 2. Effective date.**

21 (1) This act takes effect on the first day of the 7th month beginning after
22 publication.

23

(END)