

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 599

Short Title: Unfair Advertising/Food Delivery Platforms. (Public)

Sponsors: Representatives White and Pike (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 17, 2023

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING UNFAIR AND DECEPTIVE ADVERTISING BY FOOD
3 DELIVERY PLATFORMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1 of Chapter 75 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 75-44. Unfair and deceptive trade practices by food delivery platforms.**

8 (a) The following definitions apply in this section:

9 (1) Establishment. – As defined in G.S. 130A-247.

10 (2) Food delivery platform. – An online business that acts as an intermediary
11 between consumers and multiple establishments by submitting food orders to
12 the eating establishment and arranging for the delivery of the order from the
13 eating establishment to consumers.

14 (b) A food delivery platform must obtain express written authorization from an
15 establishment, or the establishment's agent, before doing any of the following:

16 (1) Advertising, directly or indirectly, any statement or image that implies an
17 establishment has partnered with the food delivery platform.

18 (2) Using a likeness, trademark, or other intellectual property belonging to an
19 establishment.

20 (3) Arranging for the delivery of a food order from an establishment.

21 An establishment, or the establishment's agent, may revoke authorization under this section
22 by notifying the food delivery platform in writing.

23 (c) If a food delivery platform violates this section, the establishment whose express
24 written authorization was required may bring any of the following actions in civil court:

25 (1) An action to enjoin further violations of this section by the food delivery
26 platform.

27 (2) An action to recover treble damages pursuant to G.S. 75-16. The damages
28 trebled in a civil action brought pursuant to this subdivision shall equal the
29 greater of the following:

30 a. The establishment's actual damages arising from the violation.

31 b. The food delivery platform's profits arising from the violation.

32 (d) A violation of this section is a violation of G.S. 75-1.1."

33 **SECTION 2.** This act becomes effective October 1, 2023.



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