

1 State of Arkansas As Engrossed: S3/4/21 S3/29/21 S4/12/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1426

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5 By: Representative Lundstrum

6 By: Senator M. Johnson

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For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ARKANSAS FAIR FOOD DELIVERY
10 ACT; AND FOR OTHER PURPOSES.

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Subtitle

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TO ESTABLISH THE ARKANSAS FAIR

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FOOD DELIVERY ACT.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Title 4, Chapter 75, is amended to add an
21 additional subchapter to read as follows:

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Subchapter 13 – Arkansas Fair Food Delivery Act

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4-75-1301. Title.

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This subchapter shall be known and may be cited as the "Arkansas Fair
26 Food Delivery Act".

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4-75-1302. Definitions.

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As used in this subchapter:

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(1) "Food delivery platform" means an online business that acts
as an intermediary between consumers and multiple food facilities to submit
32 food orders from a consumer to a participating food facility and to arrange
33 for the delivery of the food order from the food facility to the consumer;
34 and

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(2) "Food facility" means an operation that stores, prepares,
packages, serves, vends, or otherwise provides food for human consumption at



1 the retail level.

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3 4-75-1303. Food delivery platform – Prohibitions.

4 A food delivery platform shall not arrange for the delivery of a
5 food order from a food facility without first entering into an
6 agreement with the food facility expressly authorizing the food
7 delivery platform to take food orders and deliver food orders prepared by
8 the food facility to consumers.

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10 4-75-1304. Remedies.

11 (a) A food facility may bring a civil action to enjoin a violation of
12 this subchapter.

13 (b)(1) If a court finds that a food delivery platform has acted in
14 violation of this subchapter, the court shall issue an injunction.

15 (2) In addition to the remedy in subdivision (b)(1) of this
16 section, the court may:

17 (A) Require the violator to pay to the injured party all
18 profits derived from or damages resulting from the wrongful act; and

19 (B) Order that the wrongful act be terminated.

20 (c) If the court finds that the food delivery platform committed the
21 wrongful act in bad faith by not obtaining an agreement or written consent,
22 the court shall:

23 (1) Enter judgment against the food delivery platform as
24 follows:

25 (A) For a first violation, a fine of not less than five
26 hundred dollars (\$500);

27 (B) For a second violation, a fine of not less than one
28 thousand dollars (\$1,000); and

29 (C) For a third or subsequent violation, a fine of not
30 less than one thousand five hundred dollars (\$1,500); and

31 (2) Award reasonable attorney's fees to the food facility.

32 (d) The Attorney General or any prosecuting attorney of the state may
33 bring an action against the food delivery platform for a violation of this
34 subchapter.

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36 SECTION 2. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on

1 and after January 1, 2022.

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/s/Lundstrum

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APPROVED: 4/27/21

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