

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/4/21

A Bill

HOUSE BILL 1426

5 By: Representative Lundstrum
6 By: Senator M. Johnson
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ARKANSAS FAIR FOOD DELIVERY
10 ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO ESTABLISH THE ARKANSAS FAIR
14 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:

Subchapter 13 – Arkansas Fair Food Delivery Act

4-75-1301. Title.

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24 This subchapter shall be known and may be cited as the "Arkansas Fair
25 Food Delivery Act".
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4-75-1302. Definitions.

As used in this subchapter:

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30 (1) "Food delivery platform" means an online business that acts
31 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

35 (2) "Food facility" means an operation that stores, prepares,
36 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 a violation of this subchapter, the court
14 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 may:

23 (1) Enter judgment in an amount not to exceed three (3) times
24 the amount of profits and damages; and

25 (2) Award reasonable attorney's fees to the restaurant.

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28 /s/Lundstrum