

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0577.01 Yelana Love x2295

SENATE BILL 21-035

SENATE SPONSORSHIP

Rodriguez, Donovan, Gonzales, Lee, Liston, Moreno, Priola, Rankin

HOUSE SPONSORSHIP

Bird, Burnett, Cutter, Lontine, McCluskie, Titone

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

Business Affairs & Labor

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON CERTAIN PRACTICES BY THIRD-PARTY**
102 **FOOD DELIVERY SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a third-party food delivery service from:

- Offering or arranging for the sale or the same-day delivery or same-day pickup of prepared food or beverages from a retail food establishment without a written agreement with the retail food establishment; or
- Reducing the compensation rate paid to a delivery service

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
May 19, 2021

HOUSE
Amended 2nd Reading
May 18, 2021

SENATE
3rd Reading Unamended
April 26, 2021

SENATE
Amended 2nd Reading
April 23, 2021

driver or withholding gratuities or tips to a retail food establishment, its staff, or any delivery service driver.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 8-4-124 as follows:

8-4-124. Third-party food delivery services - prohibitions - penalties - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "RETAIL FOOD ESTABLISHMENT" MEANS A RETAIL FOOD ESTABLISHMENT, AS DEFINED IN SECTION 25-4-1602 (14), THAT PAYS AN ANNUAL LICENSE FEE AS REQUIRED BY SECTION 25-4-1607 (1)(a), (1.5)(a)(I), OR (1.5)(b)(I). "RETAIL FOOD ESTABLISHMENT" DOES NOT INCLUDE GROCERY STORES OR CONVENIENCE STORES.

(b) "THIRD-PARTY DELIVERY SERVICE PLATFORM" MEANS A THIRD-PARTY FOOD DELIVERY SERVICE'S ONLINE OR MOBILE PLATFORM ON WHICH A CONSUMER CAN VIEW AND ORDER AVAILABLE PRODUCTS.

(c) "THIRD-PARTY FOOD DELIVERY SERVICE" MEANS ANY COMPANY OR WEBSITE, MOBILE APPLICATION, OR OTHER INTERNET SERVICE THAT OFFERS OR ARRANGES FOR THE SALE AND SAME-DAY DELIVERY OR SAME-DAY PICKUP OF PREPARED FOOD OR BEVERAGES FROM A RETAIL FOOD ESTABLISHMENT.

(2) A THIRD-PARTY FOOD DELIVERY SERVICE SHALL NOT TAKE AND ARRANGE FOR THE DELIVERY OR PICKUP OF AN ORDER FROM A RETAIL FOOD ESTABLISHMENT WITHOUT THE RETAIL FOOD ESTABLISHMENT'S CONSENT.

1 (3) A RETAIL FOOD ESTABLISHMENT INCLUDED ON A THIRD-PARTY
2 DELIVERY SERVICE PLATFORM IN VIOLATION OF SUBSECTION (2) OF THIS
3 SECTION MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION
4 FOR DAMAGES, A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS
5 PER VIOLATION, AND INJUNCTIVE RELIEF. THE PREVAILING PARTY IN AN
6 ACTION BROUGHT PURSUANT TO THIS SUBSECTION (3) IS ENTITLED TO
7 REASONABLE ATTORNEY FEES.

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9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.