

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

State of Arkansas *As Engrossed: S3/4/21 S3/29/21 S4/12/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1426

By: Representative Lundstrum

By: Senator M. Johnson

For An Act To Be Entitled

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

Subtitle

TO ESTABLISH THE ARKANSAS FAIR
FOOD DELIVERY ACT.

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

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

Subchapter 13 – Arkansas Fair Food Delivery Act

4-75-1301. Title.

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

4-75-1302. Definitions.

As used in this subchapter:

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

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



the retail level.

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

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

4-75-1304. Remedies.

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

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

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

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

(B) Order that the wrongful act be terminated.

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

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

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

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

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

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

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

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

and after January 1, 2022.

/s/Lundstrum