

CHAPTER 208

CONSUMER AND COMMERCIAL TRANSACTIONS

SENATE BILL 21-035

BY SENATOR(S) Rodriguez, Donovan, Gonzales, Lee, Liston, Moreno, Priola, Rankin;
also REPRESENTATIVE(S) Bird, Bennett, Cutter, Lontine, McCluskie, Titone.

AN ACT**CONCERNING RESTRICTIONS ON CERTAIN PRACTICES BY THIRD-PARTY FOOD DELIVERY SERVICES.**

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.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

Approved: June 4, 2021