
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Senate Bill 290

**Senate
Amendment 1**

2023 SENATE BILL 290

2023 Senate Bill 290 addresses certain aspects of third-party food delivery services.

First, the bill requires a third-party food delivery service to provide a publicly accessible process for a restaurant to request removal from the delivery service's ordering system. If a restaurant requests removal, a delivery service must remove the restaurant from the ordering system, referred to in the bill as a "digital network," within three business days. If removal is requested, a third-party food delivery service may not list the restaurant, offer the restaurant's food, or use the restaurant's name, address, logo, or menu without consent. The bill defines "consent" as a mutual acknowledgment by both a restaurant and a third-party food delivery service, which may be obtained electronically or orally. If a third-party food delivery service violates the removal provisions, the Department of Agriculture, Trade and Consumer Protection may enforce the requirements and a delivery service may be subject to a civil forfeiture.

Additionally, the bill requires a third-party food delivery service to share basic ordering information with the restaurant, and to ensure that delivery workers have knowledge of basic food safety principles.

Lastly, a third-party delivery service is prohibited from soliciting requests from consumers for a restaurant to be added to the delivery service's network.

SENATE AMENDMENT 1

Senate Amendment 1 adds a requirement for a third-party food delivery service to provide a dated receipt to a restaurant that requests removal from the delivery service's network. The amendment also revises the definition of "consent," to require consent to be provided electronically or in writing, rather than electronically or orally, and specifies that consent may be given by a person having authority to act on behalf of a restaurant.

BILL HISTORY

Senator Nass offered Senate Amendment 1 on September 27, 2023. On October 5, 2023, the Senate Committee on Labor, Regulatory Reform, Veterans and Military Affairs recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 4; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

MSK:jal