



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0364/1
KP:skw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 861**

February 11, 2022 – Offered by Senator TESTIN.

1 **AN ACT** *to create* 100.75 of the statutes; **relating to:** third-party food delivery
2 services and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 100.75 of the statutes is created to read:

4 **100.75 Third-party food delivery services. (1) DEFINITIONS.** In this
5 section:

6 (a) “Consent” means a mutual acknowledgment by both a restaurant and a
7 3rd-party food delivery service, including a mutual acknowledgment obtained
8 electronically or orally.

9 (b) “Digital network” means an Internet site or online-enabled application,
10 software, or system that allows a consumer to view and search the menus of
11 restaurants and purchase food from restaurants for delivery.

1 (c) “Restaurant” has the meaning given in s. 125.02 (18).

2 (d) “Third-party food delivery service” means a person who operates a digital
3 network and delivers food purchased through the digital network to consumers.

4 **(2) LISTING; REMOVAL.** (a) A 3rd-party food delivery service shall provide a
5 publicly accessible process for a restaurant to request the removal of the restaurant
6 from the digital network of the 3rd-party food delivery service.

7 (b) If a restaurant requests to be removed from the digital network of a
8 3rd-party food delivery service, all of the following apply:

9 1. The 3rd-party food delivery service shall remove the restaurant from its
10 digital network within 3 business days of receiving the request.

11 2. The 3rd-party food delivery service may not list the restaurant on its digital
12 network, offer the restaurant’s food for delivery, or use the restaurant’s name,
13 address, logo, or menu without consent.

14 (c) A 3rd-party food delivery service may not solicit requests from consumers
15 for a restaurant to be added to the digital network of the 3rd-party food delivery
16 service.

17 **(3) DELIVERY REQUIREMENTS.** A 3rd-party food delivery service shall ensure that
18 individuals delivering food for the 3rd-party food delivery service have knowledge
19 of basic food safety principles, including personal hygiene and avoiding cross
20 contamination.

21 **(4) SHARING OF DATA.** A 3rd-party food delivery service shall provide to an owner
22 or operator of a restaurant listed on its digital network information that identifies
23 all of the following related to orders placed with the 3rd-party food delivery service
24 involving the restaurant:

25 (a) The contents of orders.

1 (b) The times that orders are placed.

2 **(5) PENALTIES.** If a 3rd-party food delivery service violates sub. (2) (b), the
3 department may commence an action against the 3rd-party food delivery service in
4 the name of the state to recover one of the following penalties:

5 (a) For a first violation involving a particular restaurant, a civil forfeiture of
6 \$1,000.

7 (b) For a 2nd violation involving a particular restaurant, a civil forfeiture of
8 \$5,000.

9 (c) For a 3rd or subsequent violation involving a particular restaurant, a civil
10 forfeiture of \$10,000.

11 **SECTION 2. Effective date.**

12 (1) This act takes effect on the first day of the 7th month beginning after
13 publication.

14 (END)