

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 599  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10295-NE-130

Short Title: Unfair Advertising/Food Delivery Platforms.

(Public)

Sponsors: Representative White.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROHIBITING UNFAIR AND DECEPTIVE ADVERTISING BY FOOD  
3 DELIVERY PLATFORMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 75-44. Unfair and deceptive trade practices by food delivery platforms.**

8 (a) The following definitions apply in this section:

9 (1) Establishment. – As defined in G.S. 130A-247.

10 (2) Food delivery platform. – An online business that acts as an intermediary  
11 between consumers and multiple establishments by submitting food orders to  
12 the eating establishment and arranging for the delivery of the order from the  
13 eating establishment to consumers.

14 (b) A food delivery platform must obtain express written authorization from an  
15 establishment, or the establishment's agent, before doing any of the following:

16 (1) Advertising, directly or indirectly, any statement or image that implies an  
17 establishment has partnered with the food delivery platform.

18 (2) Using a likeness, trademark, or other intellectual property belonging to an  
19 establishment.

20 (3) Arranging for the delivery of a food order from an establishment.

21 An establishment, or the establishment's agent, may revoke authorization under this section  
22 by notifying the food delivery platform in writing.

23 (c) If a food delivery platform violates this section, the establishment whose express  
24 written authorization was required may bring any of the following actions in civil court:

25 (1) An action to enjoin further violations of this section by the food delivery  
26 platform.

27 (2) An action to recover treble damages pursuant to G.S. 75-16. The damages  
28 trebled in a civil action brought pursuant to this subdivision shall equal the  
29 greater of the following:

30 a. The establishment's actual damages arising from the violation.

31 b. The food delivery platform's profits arising from the violation.

32 (d) A violation of this section is a violation of G.S. 75-1.1."

33 SECTION 2. This act becomes effective October 1, 2023.



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