

Amendment No. 236

Assembly Amendment to Assembly Bill No. 116 (BDR 52-898)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 116—ASSEMBLYMEMBER TORRES-FOSSETT

PREFILED JANUARY 23, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to food delivery service platform providers. (BDR 52-898)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade practices; prohibiting a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment ~~unless the operator of the food dispensing establishment~~ who has **not** obtained ~~the~~ **certain** required ~~permit to operate the food dispensing establishment issued by the health authority~~ **licenses; prohibiting such a food dispensing establishment from accepting an online food order; requiring a food delivery service platform provider to remove such a food dispensing establishment from the food delivery service platform of the provider under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements and restrictions concerning food delivery service platforms, which existing law defines to mean an Internet website, online service or mobile application which allows users to purchase food from multiple food dispensing establishments and arrange for the same-day delivery or same-day pickup of such food. (NRS 597.7625-597.7642) Existing law designates a person who operates such a platform as a food delivery service platform provider. (NRS 597.7628) Existing law defines "food dispensing establishment" to mean, in general, a food establishment that prepares and serves food intended for immediate consumption. (NRS 597.7629) ~~Existing law prohibits, with certain exceptions, a person from operating a food establishment unless the person possesses a valid permit issued to the person by the health authority. (NRS 446.870)]~~

Under existing law, a food delivery service platform provider is prohibited from facilitating an online food order involving a food dispensing establishment, including, without limitation, arranging for the same-day delivery or same-day pickup of food prepared by a food dispensing establishment, unless the food delivery service platform provider has entered into a written agreement with the food dispensing establishment authorizing such activities. (NRS 597.7635) ~~Although no penalty is specifically provided for violating that prohibition, existing law provides that whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, a person who commits that act is guilty of a misdemeanor. (NRS 193.151)]~~

This bill prohibits a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless ~~the operator of~~ the food dispensing establishment has obtained ~~the required permit to operate~~ any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order.

This bill also prohibits a food dispensing establishment from accepting an online food order facilitated by a food delivery service platform provider unless the food dispensing establishment has obtained any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order. Under this bill, a food dispensing establishment who violates this prohibition or provides to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment is subject to a civil penalty not to exceed \$100 for each online food order which the food dispensing establishment fills in violation of the prohibition.

Finally, this bill requires a food delivery service platform provider to remove a food dispensing establishment from the platform of the food delivery service platform provider if the food delivery service platform provider receives specific, verifiable information that the food dispensing establishment has accepted an online food order in violation of the provisions of this bill or has provided to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment. This bill ~~specifically~~ provides that a food delivery service platform provider who ~~violates that prohibition or the prohibition against facilitating an online food order without the written agreement with the food dispensing establishment required under existing law is guilty of a misdemeanor.~~ fails to remove the food dispensing establishment from the platform of the food delivery service platform provider is subject to a civil penalty not to exceed \$500 for each day that the food dispensing establishment remains on the platform after the 10th day after the food delivery service platform provider receives the information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.7635 is hereby amended to read as follows:

597.7635 1. A food delivery service platform provider shall not facilitate an online food order involving a food dispensing establishment, including, without limitation, arranging for the same-day delivery or same-day pickup of food prepared by a food dispensing establishment, unless ~~the~~:

(a) ~~The operator of the food dispensing establishment has obtained a permit to operate~~ any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order; and

(b) The food delivery service platform provider has entered into a written agreement with the food dispensing establishment that expressly authorizes the food delivery service platform provider to engage in such activities.

2. A food dispensing establishment shall not accept an online food order facilitated by a food delivery service platform provider unless the food dispensing establishment has obtained any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food

1 dispensing establishment prepares the online food order. A food dispensing
2 establishment who violates this subsection or provides to the food delivery service
3 platform provider false or misleading information regarding the business license
4 of the food dispensing establishment is subject to a civil penalty not to exceed
5 \$100 for each online food order which the food dispensing establishment fills in
6 violation of this subsection.

7 3. A food delivery service platform provider who receives specific, verifiable
8 information that a food dispensing establishment has violated subsection 2 or has
9 provided to the food delivery service platform provider false or misleading
10 information regarding the business license of the food dispensing establishment
11 shall, not later than 10 days after receiving that information, remove the food
12 dispensing establishment from the food delivery service platform of the food
13 delivery service platform provider. A food delivery service platform provider who
14 violates the provisions of this subsection ~~is~~ ~~is guilty of a misdemeanor,~~ subject
15 to a civil penalty not to exceed \$500 for each day that the food dispensing
16 establishment remains on the food delivery service platform of the food delivery
17 service platform provider after the 10th day after the food delivery service
18 platform provider receives the information described in subsection 3.

19 Sec. 2. This act becomes effective on January 1, 2026.