

Bill as Introduced

HB 593-FN - AS AMENDED BY THE HOUSE

7Apr2021... 0582h

2021 SESSION

21-0818
08/05

HOUSE BILL **593-FN**

AN ACT requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

SPONSORS: Rep. Wilhelm, Hills. 42; Rep. Chretien, Hills. 42; Rep. Oxaal, Straf. 15; Rep. Moran, Hills. 34

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill requires a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. The provisions of the bill are repealed December 31, 2023.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struckthrough~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Food Delivery Platform. Amend RSA by inserting after chapter 359-R the
2 following new chapter:

3 CHAPTER 359-S

4 FOOD DELIVERY PLATFORM

5 359-S:1 Food Delivery Platforms.

6 I. In this chapter:

7 (a) "Food delivery platform" means an online business that acts as an intermediary
8 between consumers and multiple food facilities to submit food orders from a consumer to a
9 participating food facility, and to arrange for the delivery of the order from the food service
10 establishment or retail food store to the consumer.

11 (b) "Food service establishment" has the same meaning as RSA 143-A:3, IV.

12 (c) "Retail food store" has the same meaning as RSA 143-A:3, VII.

13 II. A food delivery platform shall not arrange for the delivery of an order from a food service
14 establishment or retail food store without first obtaining an agreement with the food service
15 establishment or retail food store expressly authorizing the food delivery platform to take orders and
16 deliver meals prepared by the food service establishment or retail food store.

17 III. Any food delivery platform that violates this chapter shall be guilty of a violation and
18 fined \$100 for each delivery made without the agreement required in paragraph II.

19 2 Prospective Repeal. RSA 359-S, relative to food delivery platforms, is repealed.

20 3 Effective Date.

21 I. Section 2 of this act shall take effect December 31, 2023.

22 II. The remainder of this act shall take effect upon its passage.

**HB 593-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill requires a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service. It amends RSA 359 by adding new Chapter RSA 359-S relative to food delivery platforms, defined as an online business that acts as an intermediary between consumers and multiple food facilities to submit food orders from a consumer to a participating food facility, and arrange for the delivery of the order from the food service establishment or retail food store to the consumer. Also, the bill would impose a \$100 fine to any food delivery platform for any delivery made without the required agreement as required by the legislation.

The bill contains no affirmative obligation for the Department of Health and Human Services to enforce the provisions of the legislation, and consequently, the Department does not anticipate any fiscal impact.

AGENCIES CONTACTED:

Department of Health and Human Services

HB 593-FN - AS AMENDED BY THE SENATE

7Apr2021... 0582h
05/13/2021 1297s

2021 SESSION

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AGENCIES CONTACTED:

Department of Health and Human Services

CHAPTER 144
HB 593-FN - FINAL VERSION

7Apr2021... 0582h
05/13/2021 1297s

2021 SESSION

21-0818
08/05

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CHAPTER 144
HB 593-FN - FINAL VERSION

7Apr2021... 0582h
05/13/2021 1297s

21-0818
08/05

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17 III. Any food delivery platform that violates this chapter shall be guilty of a violation and
18 fined \$100 for each delivery made without the agreement required in paragraph II.

19 144:2 Prospective Repeal. RSA 359-S, relative to food delivery platforms, is repealed.

20 144:3 Effective Date.

21 I. Section 2 of this act shall take effect December 31, 2023.

22 II. The remainder of this act shall take effect September 1, 2021.

Approved: July 23, 2021

Effective Date:

I. Section 2 shall take effect December 31, 2023.

II. Remainder shall take effect September 1, 2021.

Amendments

Commerce
May 4, 2021
2021-1297s
04/08

Amendment to HB 593-FN

1 Amend section 3 of the bill by replacing paragraph II with the following:

2

3 II. The remainder of this act shall take effect September 1, 2021.

Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: April 15, 2021

HEARINGS

Tuesday

04/27/2021

(Day)

(Date)

Commerce

REMOTE 000

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	HB 227	relative to termination of tenancy at the expiration of the tenancy or lease term.
9:15 a.m.	HB 384-FN	prohibiting the sharing of location data.
9:30 a.m.	HB 385-FN	relative to workers' compensation for heart and lung disease in firefighters.
9:45 a.m.	HB 448	establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.
10:00 a.m.	HB 593-FN	requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97416675416>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-312-626-6799, or 1-646-558-8656, or 1-301-715-8592, or 1-346-248-7799, or 1-669-900-9128, or 1-253-215-8782
3. Or iPhone one-tap: 13126266799,,97416675416# or 16465588656,,97416675416#
4. Webinar ID: [974 1667 5416](https://www.zoom.us/j/97416675416)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 227

Rep. Lynn

HB 384-FN

Rep. Wuelper

Rep. T. Lekas

HB 385-FN

Rep. M. Pearson

Rep. Doucette

Rep. O'Brien

HB 448

Rep. Sullivan

Rep. Myler

Rep. Long

HB 593-FN

Rep. Wilhelm

Rep. M. Smith

Rep. Wallace

Rep. S. Pearson

Rep. Pratt

Rep. M. Pearson

Rep. Schultz

Sen. Cavanaugh

Rep. Chretien

Rep. Verville

Rep. Testerman

Rep. Shurtleff

Rep. Soucy

Rep. Merner

Rep. Schuett

Rep. Oxaal

Rep. Gould

Rep. Goley

Rep. Lanzara

Rep. Welch

Rep. Goley

Rep. Moran

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

HB 593-FN, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Hearing Date: April 27, 2021

Time Opened: 11:23 a.m. **Time Closed:** 11:33 a.m.

Members of the Committee Present: Senators French, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : Senator Gannon

Bill Analysis: This bill requires a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. The provisions of the bill are repealed December 31, 2023.

Sponsors:

Rep. Wilhelm

Rep. Chretien

Rep. Oxaal

Rep. Moran

Who supports the bill: 31 people signed up in support of the bill. Full sign in sheet available upon request.

Who opposes the bill: Representative Chuck Grassie, Elliot Axelman, Dan McGuire

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Matthew Wilhelm

- Representative Wilhelm said that third-party companies shouldn't offer food delivery services without written consent from a restaurant.
- This bill was introduced after a small business owner in Manchester shared their frustrations about their restaurant appearing on third-party delivery websites without their permission.
- Other Manchester restaurateurs have expressed similar frustrations.
 - For example, the co-owner of North End Bistro said they had a DoorDash delivery driver try to pick up an order that had items on it that were no longer on their menu. Since the business didn't have an account with DoorDash, they were unable to get the customer's information.

- In another incident, a delivery driver showed up 40 minutes late, which required the order to be remade. As a result, North End Bistro received a negative review online. Ultimately, they lost a potential customer, and they were forced to absorb the cost associated with having to remake the order.
- In some instances, restaurants are unaware that orders are being placed on third-party websites.
- Representative Wilhelm said that bad reviews can cause a decrease in orders, which in turn can lead to the closure of a restaurant.
- Representative Wilhelm urged the Senate to pass this bill to help put power back in the hands of small business owners.

Tom Boucher, CEO & Owner, Great New Hampshire Restaurants

- Mr. Boucher said his restaurants have been victims of third-party delivery services because those services market and profit off of his brands without his permission.
- In January 2019, Mr. Boucher's company filed cease and desist lawsuits against DoorDash and Grubhub to prevent them from using his brands on their websites without a contractual agreement.
 - Mr. Boucher said both companies settled and agreed to remove his restaurants from their websites until they received permission to put them up again.
- Once food leaves a restaurant in the hands of a third-party food delivery service, Mr. Boucher said they have no control over the quality of the food or the person delivering it, no control over how long a delivery may take, and no control over whether food gets tampered with or not.
- To use their services, third-party food delivery companies charge restaurants between 20 and 30 percent. Subsequently, those costs are passed on to the consumer.
 - A cheeseburger, for example, ordered from TGI Friday's and Backyard Brewery cost Mr. Boucher \$21 and \$28, respectively. Mr. Boucher said these prices make restaurants look like they're price gouging consumers.
- Mr. Boucher's restaurants used Uber Eats during the pandemic; however, the agreement ended after four weeks due to the quality and timeliness of the drivers. In addition, some orders were missed; thus, requiring restaurants to remake them at their own expense.
- Mr. Boucher urged the Committee to support this bill to help prevent outside technology companies from taking advantage of small businesses.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

AJ
Date Hearing Report completed: April 28, 2021

Speakers

Commerce Committee Testify List for Bill HB593 on 2021-04-27

Support: 31 Oppose: 3 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Boucher, Tom	Tb@tomboucher.com	Not Given	A Member of the Public	Myself	Support	Yes
Axelman, Elliot	alu.axelman@gmail.com	732.674.2355	A Member of the Public	Myself	Oppose	Yes
Cloutier, John	jocloutier@comcast.net	16034773690	An Elected Official	Myself	Support	No
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No
McGuire, Dan	danmcguire@gmail.com	603-782-4918	A Member of the Public	Myself	Oppose	No
Mombourquette, Donna	Not Given	Not Given	A Member of the Public	Myself	Support	No
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Support	No
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No
Potucek, John	potucek1@comcast.net	16034329049	An Elected Official	Myself	Support	No
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County 30	Support	No
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Support	No
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Support	No
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	Not Given	An Elected Official	Exeter	Support	No
Bartlett, Rep Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Support	No
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Support	No
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Support	No
Booras, Hon. Efstathia	efstathiab73@gmail.com	603.930.3220	An Elected Official	Constituents	Support	No
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Support	No
Weston, Joyce	jweston14@roadrunner.com	Not Given	An Elected Official	Myself	Support	No
Heath, Mary	Not Given	Not Given	An Elected Official	Hills 14	Support	No
Lonano, James	Not Given	Not Given	A Member of the Public	Myself	Support	No
Smith, Suzanne	zanne719@gmail.com	603.715.0086	An Elected Official	Myself	Support	No
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	Myself	Support	No
Chase, Wendy	Not Given	603.319.7259	An Elected Official	Myself	Support	No
Schapiro, Joe	joe.schapiro@leg.state.nh.us	603.852.5039	An Elected Official	Cheshire 16, Keene	Support	No
McBeath, Rebecca	NHStateHouse@gmail.com	Not Given	An Elected Official	Myself	Support	No

Commerce Committee Testify List for Bill HB593 on 2021-04-27

Support: 31 Oppose: 3 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Lewandowski, Jean	jlewando@hotmail.com	Not Given	A Member of the Public	Myself	Support	No
Mennella, Alexandra	am88@fastmail.com	646.610.9858	A Member of the Public	Myself	Support	No
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Support	No
Harriott-Gathright, Linda	linda.HarriottGathright@leg.state.nh.us	16038804537	An Elected Official	Myself	Support	No
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Support	No
Pinneo, Sarah	spinneo@gmail.com	Not Given	A Member of the Public	Myself	Support	No
Simpson, Alexis	Alexis.simpson@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No
Chretien, Jacqueline	jackie.chretien@leg.state.nh.us	603.289.6808	An Elected Official	Myself/Hillsborough 42	Support	No

Testimony

Aaron Jones

From: Jason Lyon <jasonl@flatbreadcompany.com>
Sent: Friday, April 23, 2021 5:01 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: HB 593

Good Afternoon Chair French, Vice-Chair Gannon & Commerce Committee Members,

I am reaching out to you today to strongly urge you to support and pass HB 593 Requiring Third Party Delivery Companies To Have Agreements With Restaurants Before Delivering Their Food. Time and again these companies list restaurants such as ours on their platforms in the absence of an agreement, without consent and more often than not without the operator's knowledge.

These services can have a detrimental effect on the reputation of our brands as they put themselves out there as brand representatives. In the eyes of the consumer the delivery person is an extension of our team therefore the expectation is set that they would receive the same level of guest service and product quality that the restaurant they are ordering from provide. Most of the time the operator isn't even aware that their product is being delivered to someone other than the individual that is picking it up as third party drivers do not wear uniforms and therefore are anonymous if the order is not placed through a contracted account. In the absence of an agreement we have no influence on how the service represents us.

Additionally, often when a guest is dissatisfied with their delivery experience, without an agreement with the delivery service we are left to provide guest service recovery steps of either refunding the received order (in some cases – not received) or providing a complimentary gift card for a future visit in order to win that guest back as a patron; sometimes both. This is an expense and income out of our pockets without reimbursement from the non-contracted delivery company while they profit from our business.

I would like to thank you for your time and consideration of how uncontracted delivery service unfairly and negatively impacts our businesses. If I may answer any further questions or provide greater clarity please do not hesitate to contact me. Please vote YES on moving HB 593 out of committee with recommendation of passing as well as advocate for it on the senate floor.

Be Well,

Jason

Jason M. Lyon
President & COO
Flatbread Company
603.926.9401 Ext. 202
www.flatbreadcompany.com

“Keep Each Other Well”

“Integrity is doing the right thing, even when no one is watching.”

At Flatbread Company, we believe that employment and advancement is based on your enthusiasm, skills and performance; not politics. Your gender, your gods, your sex life, your skin color, the fact that you're a grandparent or who you know don't make a

difference to us. If you are community orientated, believe in supporting local farms, serving real food, empathetic, passionate, smart and good at what you do – come as you are! We believe diversity should be celebrated which commits us to creating a respectful, inclusive environment for all team members. We believe in a workplace that keeps each other well while renewing our spirit and doing a little something to save our planet.

Aaron Jones

From: Wendy Hunt <whunt@nashuachamber.com>
Sent: Monday, April 26, 2021 7:01 AM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: Greater Nashua Chamber asks your support for HB 593

Dear Chairman French and Members of the Senate Commerce Committee;

The Greater Nashua Area Chamber of Commerce is a membership organization covering 11 cities and towns in Southern New Hampshire. Within those 11 communities, our members have about 59,000 employees.

GNCC asks your support for HB 593, which requires food delivery services to enter into a contract before offering the restaurant as part of their service. We have heard from our members in the restaurant business that although there is an obvious consumer demand for these types of services, putting the restaurant menus and logos on the delivery service website without permission can be very damaging to the reputation and brand as the level of service does not meet the service the restaurant is known for.

Our members have had complaints of inaccurate menus, food tampering by drivers, and untimely delivery. The customer is then apt to give a poor review, hurting the restaurant reputation, when the fault lies with the delivery service. Having a contract in place between the restaurant and delivery service would give the restaurant more control in serving their customers.

For these reasons, GNCC asks that you support HB 593 and vote Ought to Pass on HB 593.

Thank you for your consideration.

Wendy Hunt, President & CEO
Greater Nashua Chamber of Commerce
60 Main Street, Suite 200
Nashua, NH 03060
603.881.8333
whunt@nashuachamber.com



Senator Harold French, Chairman
New Hampshire Senate Commerce Committee
State House – Room 100
107 North Main Street
Concord, NH 03303

Re: HB 593 - Requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

April 26, 2021

Dear Chairman French and Senate Commerce Committee Members,

My name is Harry Hartfield, Public Affairs Manager for Uber in New Hampshire. I am writing to you today to share a few concerns we have over HB 593

As written, we worry the bill will likely lead to dozens of New Hampshire restaurants losing revenue at a time where they can least afford it. While we recognize the concerns that were raised in the House, our hope is that we can work together on a compromise that addresses those concerns without adversely impacting all restaurants.

First, some background. We know that consumers come to Uber Eats and Postmates looking for great selection, and that merchants are increasingly looking for flexible ways to build their business. That's why we occasionally send orders to non-partnered merchants to demonstrate the value of working with us. Many restaurants like this commission-free model and are able to generate significant revenue from it. Last month alone, there were more than twenty restaurants in New Hampshire that made over \$1,000 in unanticipated revenue as a result of this type of relationship with Uber Eats.

Under HB 593 we would likely be forced to remove all of those restaurants from our platform immediately. The bill as written requires us to have a contract with a restaurant and becomes effective immediately if the Governor signs it into law. This creates enormous logistical challenges. There is simply no way we could immediately sign up every restaurant benefiting from this present arrangement with a formal contract. As a result, in order to comply with HB 593 if it passes in its current form, we may have to drop all of the restaurants right away, and then sign them up for contracts through a process that could take months.

To my knowledge, New Hampshire is the only state in the country considering a law like this that would go into effect immediately, rather than allowing for a transitional period that would help ensure restaurants do not lose revenue. Even the National Restaurant Association has not supported an outright ban on this practice. Instead they've called for a compromise solution that requires restaurants to provide written consent but not necessarily a formal contract. Rhode Island and Connecticut have recently introduced legislation to that end. We believe this is a better alternative, that allows restaurants that benefit from delivery platforms without a formal contract to continue doing so uninterrupted, while affording those restaurants that wish to be immediately removed from a food delivery platform the means to do so.

While we believe the CT compromise outlined above is a better alternative, if that is not possible, for the reasons indicated above, it is critical that the effective date of this bill be set at January 1, 2022. As you may know, this was the effective date set in the original version of this bill. There is simply no way for Uber Eats to comply with an immediate implementation of HB 593 other than to immediately remove all the restaurants from our app, whether that's what they want or not. If the Senate were to amend the bill to require written consent instead of a formal contract, we believe ninety days would be enough time to implement the changes without disruption to the restaurants benefiting from their current arrangement.

We know this is a complex issue and we don't have a monopoly on good ideas. Our hope is that we can work together on a bill that allows restaurants who benefit to keep this as an option. We look forward to further discussing this important issue with you soon, to learn of your thoughts and answer any questions you may have.

Sincerely,

Harry Hartfield

cc:

Senator William Gannon, Vice Chair, Commerce

Senator Jeb Bradley

Senator Donna Soucy

Senator Kevin Cavanaugh

Aaron Jones

From: AlexCafe <alex@cafelareine.com>
Sent: Tuesday, April 27, 2021 7:51 AM
To: Harold French; William Gannon; Jeb Bradley; Donna Soucy; Kevin Cavanaugh; Aaron Jones
Subject: Restaurant owner in support of HB593

Good morning,

My name is Alex Horton, and I own Café la Reine at 915 Elm St. in Manchester, NH. I am writing to you in support of HB593. As a restaurant owner, I have experienced services such as GrubHub, Doordash, Uber Eats, etc. listing my café on their platform without my consent. This is an issue for many restaurants because if you are listed without consent, you are not provided with a login or a tablet from the delivery company. There is no way to receive orders from these platforms if you do not have an actual signed agreement with them. Customers are led to believe that they are placing an order with you, but in fact they are not. This causes frustration, and sometimes poor reviews, on the customer end, and hurts our reputation as a restaurant. We have been listed on Grubhub without consent numerous times. Each time I call them to remove the listing, it is removed for a period of time, and then placed back on their platform because there is no consequence.

I am fully in favor of requiring delivery services to enter into an agreement with a restaurant before being allowed to list the restaurant on their site. I am also in favor of issuing a violation and a fine to these companies if they do list a restaurant without consent.

Thank you for your time and consideration,

Alex

Alexandra Horton
Owner, Café la Reine
(978) 387-9445

Voting Sheets

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Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 593-FN

Hearing date: 4/27/21

Executive Session date: 5/4/21

Motion of: AMENDMENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTR-A Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Bradley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 5, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 593-FN**

AN ACT

requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1297s

Senator Jeb Bradley
For the Committee

This bill would require third-party food delivery services to receive written consent from a restaurant before offering delivery services for that restaurant. Once food leaves a restaurant, they no longer have control over the quality of the food or the person delivering it. Consequently, orders can be delivered late or not at all; thus, resulting in the loss of a potential customer or a loss in revenue if an order needs to be remade. In certain instances, some restaurants may be completely unaware they are on third-party delivery websites. As amended, the effective date would be changed to September 1, 2021.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

COMMERCE

HB 593-FN, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Ought to Pass with Amendment, Vote 5-0.

Senator Jeb Bradley for the committee.

This bill would require third-party food delivery services to receive written consent from a restaurant before offering delivery services for that restaurant. Once food leaves a restaurant, they no longer have control over the quality of the food or the person delivering it. Consequently, orders can be delivered late or not at all; thus, resulting in the loss of a potential customer or a loss in revenue if an order needs to be remade. In certain instances, some restaurants may be completely unaware they are on third-party delivery websites. As amended, the effective date would be changed to September 1, 2021.

General Court of New Hampshire - Bill Status System

Docket of HB593

Docket Abbreviations

Bill Title: requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

Official Docket of HB593.:

Date	Body	Description
1/13/2021	H	Introduced (in recess of) 01/06/2021 and referred to Commerce and Consumer Affairs HJ 2 P. 55
2/16/2021	H	Public Hearing: 02/16/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95175123874 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/2/2021	H	Executive Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95215897452
3/3/2021	H	==CONTINUED== Executive Session: 03/03/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98917516497 (if necessary)
3/15/2021	H	Committee Report: Ought to Pass with Amendment #2021-0582h (Vote 18-1; RC) HC 18 P. 33
4/7/2021	H	Amendment #2021-0582h: AA VV 04/07/2021 HJ 5 P. 134
4/7/2021	H	Ought to Pass with Amendment 2021-0582h: MA VV 04/07/2021 HJ 5 P. 134
4/13/2021	S	Introduced 04/08/2021 and Referred to Commerce; SJ 12
4/15/2021	S	Remote Hearing : 04/27/2021, 10:00 am; Links to join the hearing can be found in the Senate Calendar; SC 20
5/5/2021	S	Committee Report: Ought to Pass with Amendment #2021-1297s, 05/13/2021; Vote 5-0; CC; SC 23
5/13/2021	S	Committee Amendment #2021-1297s, AA, VV; 05/13/2021; SJ 15
5/13/2021	S	Ought to Pass with Amendment 2021-1297s, MA, VV; OT3rdg; 05/13/2021; SJ 15
6/10/2021	H	House Concurs with Senate Amendment 2021-1297s (Rep. Hunt): MA VV 06/10/2021 HJ 10 P. 2
7/12/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/12/2021	H	Enrolled (in recess of) 06/24/2021
7/26/2021	H	Signed by Governor Sununu 07/23/2021; Chapter 144; I. Sec. 2 Eff: 12/31/2023 II. Rem. Eff: 09/01/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 593-FN

Senate Committee: COMMERCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 21-1277s - amendment # _____

_____ - amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones
Committee Aide

7/21/21
Date

Senate Clerk's Office 