

State of Wisconsin



2023 Senate Bill 290

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 75

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

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

SECTION 1. 100.75 of the statutes is created to read:
100.75 Third-party food delivery services. (1)

DEFINITIONS. In this section:

(a) "Consent" means a mutual acknowledgement obtained electronically or in writing between a person having authority to act on behalf of a restaurant and a 3rd-party food delivery service.

(b) "Digital network" means a website or online-enabled application, software, or system that allows a consumer to view and search the menus of restaurants and purchase food from restaurants for delivery.

(c) "Restaurant" has the meaning given in s. 125.02 (18).

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

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

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

1. The 3rd-party food delivery service shall provide to the restaurant a dated receipt of the request.

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

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

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

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

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

(a) The contents of orders.

(b) The times that orders are placed.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

SECTION 2. Effective date.

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