

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Fair Meals Delivery Act of 2022, to restrict third-party meal delivery platforms from limiting a restaurant’s ranking within a given list of restaurants in an app based on the amount of a commission that a restaurant pays to the third-party meal delivery platform and to provide greater clarity for specific terminology used but undefined.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Food Delivery Fees Transparency Emergency Amendment Act of 2023”.

Sec. 2. The Fair Meals Delivery Act of 2022, effective March 10, 2023 (D.C. Law 24-292; D.C. Official Code § 48-651 *et seq.*), is amended as follows:

(a) The long title is amended by striking the word “platform” wherever it appears and inserting the word “service” in its place.

(b) Section 2 is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Strike the phrase “modalities or platforms offered by a third-party meal delivery platform, including any website, mobile application, or other internet service” and insert the phrase “third-party meal delivery platforms” in its place.

(B) Strike the phrase “platform lists” and insert the phrase “service lists” in its place.

34 (C) Strike the phrase “platform or” and insert the phrase “service or” in its
35 place.

36 (D) Strike the phrase “platform to” and insert the phrase “service to” in its
37 place.

38 (2) New paragraphs (2A) and (2B) are added to read as follows:

39 “(2A) “Covered restaurant” means a restaurant that elects to receive only core
40 delivery service.

41 “(2B) “Discoverable” means that a restaurant’s name is included in any lists or
42 pages within a third-party meal delivery platform, including, the primary listing of restaurants on
43 the platform’s home screen, text-based search results, lists of restaurants corresponding to
44 cuisine type or other categories, lists of a user’s purchase history, and any other lists curated by
45 the third-party meal delivery service.”.

46 (3) A new paragraph (6A) is added to read as follows:

47 “(6A) “Third-party meal delivery service” means any person, corporation,
48 partnership, or association that operates a third-party meal delivery platform.”.

49 (c) Section 3, is amended as follows:

50 (1) The section heading is amended by striking the phrase ”meals delivery
51 platforms” and inserting the phrase ”meal delivery service” in its place.

52 (2) Subsection (a) is amended by striking the word “platform” both times it
53 appears and inserting the word “service” in its place.

54 (3) Subsection (b) is amended by striking the word “platform” both times it
55 appears and inserting the word “service” in its place.

56 (4) Subsection (c) is amended as follows:

57 (A) Paragraph (1) is amended by striking the word “platform” and
58 inserting the word “service” in its place.

59 (B) Paragraph (2) is amended by striking the word “platform” and
60 inserting the word “service” in its place.

61 (5) Subsection (d) is amended by striking the phrase “platform that” and inserting
62 the phrase “service that” in its place.

63 (6) A new subsection (e) is added to read as follows:

64 “(e) A third-party meal delivery service shall not reduce the ranking of a covered
65 restaurant, in any page, list, or search results in which the covered restaurant is included, relative
66 to other restaurants, based on the level of commissions paid; provided, that this subsection shall
67 not be construed to restrict a third-party meal delivery service’s ability to use any method (that
68 does not conflict with the restrictions in this subsection or any other applicable law) to determine
69 the displaying and ordering of restaurants on a third-party meal delivery platform, including:

70 “(1) Offering preferential listing to restaurants that pay for advertising services;

71 “(2) Displaying restaurants based on a particular customer’s search or purchase
72 history, proximity to a customer’s location, or other similar factors; and

73 “(3) Relying on an algorithm to implement any of these methods.”.

74 (d) The lead-in language of Section 4 is amended as follows:

75 (1) Strike the phrase “, the third-party meal delivery platform” and insert the
76 phrase “, the third-party meal delivery service” in its place.

77 (2) Strike the phrase “platform (“charges”)” and inserting the phrase “service
78 (“charges”)” in its place.

79 (e) Section 5 is amended as follows:

80 (1) Subsection (a) is amended as follows:

81 (A) Strike the phrase “third-party meal delivery platform” both times it
82 appears and insert the phrase “third-party meal delivery service” in its place.

83 (B) Strike the phrase “platform does” and inserting the phrase “third-party
84 meal delivery service does” in its place.

85 (2) Subsection (b) is amended as follows:

86 (A) The lead-in language is amended by striking the word “platform” and
87 inserting the word “service” in its place.

88 (B) Paragraph (2) is amended by striking the word “platform” and
89 inserting the word “service” in its place.

90 Sec. 3. Fiscal impact statement.

91 The Council adopts the fiscal impact statement in the committee report as the fiscal
92 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
93 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

94 Sec. 4. Effective date.

95 This act shall take effect following approval by the Mayor (or in the event of veto by the
96 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
97 90 days, as provided for emergency acts of the Council of the District of Columbia in section
98 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
99 D.C. Official Code § 1-204.12(a)).