

## House Amendments to Senate Bill No. 2218

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15        SECTION 1. As used in this act, the following words and  
16 phrases have the following meanings, unless the context clearly  
17 indicates otherwise:

18           (a) "Agreement" means a written contractual agreement  
19 between the restaurant, the restaurant owner and the third-party  
20 delivery service.

21           (b) "Consumer" means a person, business, or other  
22 entity that places an order for restaurant products through the  
23 third-party delivery platform.

24           (c) "Logo" means the logo, motto, or any identifiable  
25 symbols attributed and easily identified as belonging to a  
26 specific restaurant.

27           (d) "Restaurant" means and includes a restaurant or  
28 entity with a food permit as listed with the Mississippi  
29 Department of Health.

30           (e) "Third-party delivery platform" means the online  
31 communication platform of the third-party delivery service on

32 which a consumer can view and search the menus of restaurants and  
33 place an order for restaurant products through internet-enabled  
34 technology and digital media, including websites and consumer  
35 applications accessible through smart phones and other mobile  
36 devices.

37 (f) "Third-party delivery service" means a company,  
38 organization, or other entity, other than a restaurant, that is  
39 licensed to do business in this state and provides limited  
40 delivery services to a consumer.

41 **SECTION 2.** (1) In the absence of an agreement, a  
42 third-party delivery service shall not advertise, promote, or  
43 otherwise convey any relationship with a restaurant and restaurant  
44 owner, or use the menu, logo or intellectual property belonging to  
45 a restaurant and restaurant owner on the third-party delivery  
46 platform.

47 (2) A restaurant whose menu, logo or intellectual property  
48 is used by a third-party delivery service in violation of this act  
49 shall have the right to bring an action in a court of competent  
50 jurisdiction.

51 (3) Upon a finding by a court of competent jurisdiction that  
52 a third-party delivery service used the menu, logo or intellectual  
53 property of a restaurant and restaurant owner in violation of this  
54 act, the court may impose a civil penalty in an amount not to  
55 exceed Two Thousand Five Hundred Dollars (\$2,500.00), or the  
56 amount of the restaurant's actual damages, whichever is greater.

57           **SECTION 3.** This act shall take effect and be in force from  
58 and after July 1, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO PROVIDE DEFINITIONS RELATING TO THIRD-PARTY  
2 DELIVERY SERVICES THAT ADVERTISE, PROMOTE OR CONVEY ANY  
3 RELATIONSHIP WITH A RESTAURANT OR USE THE MENU, LOGO OR  
4 INTELLECTUAL PROPERTY BELONGING TO A RESTAURANT ON THE THIRD-PARTY  
5 DELIVERY PLATFORM; TO PROHIBIT THIRD-PARTY DELIVERY SERVICES FROM  
6 USING THE MENU, LOGO OR ANY INTELLECTUAL PROPERTY OF A RESTAURANT  
7 WITHOUT AN AGREEMENT; TO PROHIBIT AN INDEMNITY CLAUSE IN SUCH  
8 AGREEMENT; TO PROVIDE A RIGHT TO BRING ACTION RELATING TO  
9 THIRD-PARTY DELIVERY SERVICES THAT USE THE MENU, LOGO OR  
10 INTELLECTUAL PROPERTY OF A RESTAURANT IN VIOLATION OF THIS ACT; TO  
11 PROVIDE PENALTIES RELATING TO THIRD-PARTY DELIVERY SERVICES THAT  
12 USE THE MENU, LOGO OR INTELLECTUAL PROPERTY OF A RESTAURANT IN  
13 VIOLATION OF THIS ACT; AND FOR RELATED PURPOSES.

HR31\SB2218A.J

Andrew Ketchings  
Clerk of the House of Representatives