

Senate Bill 205

By: Senators Parent of the 42nd, Butler of the 55th, Rahman of the 5th, Jackson of the 2nd,  
Harrell of the 40th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and  
2 trade, so as to prohibit third-party food delivery platforms from charging covered  
3 establishments certain fees on food and beverage deliveries; to prohibit the reduction of  
4 compensation to food delivery drivers as a result thereof; to provide for definitions; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
9 amended in Chapter 1, relating to selling and other trade practices, by adding a new article  
10 to read as follows:

11 "ARTICLE 35

12 10-1-920.

13 (a) As used in this Code section, the term:

14 (1) 'Covered establishment' means any entity that meets the definition of a 'food service  
15 establishment' pursuant to Code Section 26-2-370 and such entity owns and operates  
16 fewer than 25 locations in this state.

17 (2) 'Online order' means an order placed by a customer through a third-party food  
18 delivery platform, including a telephone order, for delivery or pick up.

19 (3) 'Public health state of emergency' means a state of emergency as a result of a public  
20 health emergency as defined in Code Section 38-3-3 and as declared by the Governor and  
21 approved by the General Assembly pursuant to Code Section 38-3-51.

22 (4) 'Purchase price' means the total menu price of an online order, excluding taxes,  
23 gratuities, and other fees that may make up the total cost to the customer.

24 (5) 'Third-party food delivery platform' means a website, mobile application, or other  
25 electronic service that:

26 (A) Facilitates the online ordering of food and beverages by a consumer from a  
27 covered establishment; and

28 (B) Provides for or arranges the delivery of online orders of food and beverages from  
29 the covered establishment to the consumer; or

30 (C) Provides for or arranges the pick up of online orders of food and beverages from  
31 the covered establishment by the consumer.

32 (b) During any public health state of emergency, no third-party food delivery platform  
33 shall:

34 (1) Charge a covered establishment fees for the use of its services that total more than  
35 15 percent of the purchase price of an online order; or

36 (2) As a result of the requirements of this Code section, reduce the rate of compensation  
37 paid to, or garnish the gratuities of, an individual who delivers online orders to consumers  
38 on behalf of the third-party food delivery platform."

39

**SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.