



Legislation Details (With Text)

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| File #: | Int 2298-2021 | Version: | A | Name: | Agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers. |
| Type: | Introduction | Status: | Enacted | In control: | Committee on Consumer Affairs and Business Licensing |
| On agenda: | 4/29/2021 | | | | |
| Enactment date: | 10/24/2021 | Enactment #: | 2021/117 | | |
| Title: | A Local Law to amend the administrative code of the city of New York, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers | | | | |
| Sponsors: | Carlina Rivera, Public Advocate Jumaane Williams, Carlos Menchaca, Margaret S. Chin, Farah N. Louis, Diana I. Ayala, Brad S. Lander, Helen K. Rosenthal, James G. Van Bramer, Antonio Reynoso, Mark Gjonaj, Justin L. Brannan, Inez D. Barron, Ben Kallos, James F. Gennaro | | | | |
| Indexes: | | | | | |
| Attachments: | 1. Summary of Int. No. 2298-A, 2. Summary of Int. No. 2298, 3. Int. No. 2298, 4. April 29, 2021 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 4-29-21, 6. Minutes of the Stated Meeting - April 29, 2021, 7. Committee Report 6/8/21, 8. Hearing Testimony 6/8/21, 9. Hearing Transcript 6/8/21, 10. Proposed Int. No. 2298-A - 9/22/21, 11. Committee Report 9/23/21, 12. Hearing Transcript 9/23/21, 13. Committee Report - Stated Meeting, 14. September 23, 2021 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 9-23-21, 16. Minutes of the Stated Meeting - September 23, 2021, 17. Int. No. 2298-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 117 | | | | |

| Date | Ver. | Action By | Action | Result |
|------------|------|--|-----------------------------|--------|
| 4/29/2021 | * | City Council | Introduced by Council | |
| 4/29/2021 | * | City Council | Referred to Comm by Council | |
| 6/8/2021 | * | Committee on Consumer Affairs and Business Licensing | Hearing Held by Committee | |
| 6/8/2021 | * | Committee on Consumer Affairs and Business Licensing | Laid Over by Committee | |
| 9/23/2021 | * | Committee on Consumer Affairs and Business Licensing | Hearing Held by Committee | |
| 9/23/2021 | * | Committee on Consumer Affairs and Business Licensing | Amendment Proposed by Comm | |
| 9/23/2021 | * | Committee on Consumer Affairs and Business Licensing | Amended by Committee | |
| 9/23/2021 | A | Committee on Consumer Affairs and Business Licensing | Approved by Committee | Pass |
| 9/23/2021 | A | City Council | Approved by Council | Pass |
| 9/23/2021 | A | City Council | Sent to Mayor by Council | |
| 10/24/2021 | A | Administration | City Charter Rule Adopted | |
| 10/25/2021 | A | City Council | Returned Unsigned by Mayor | |

Int. No. 2298-A

By Council Members Rivera, the Public Advocate (Mr. Williams), Menchaca, Chin, Louis, Ayala, Lander, Rosenthal, Van Bramer, Reynoso, Gjonaj, Barron, Brannan, Kallos and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers

Be it enacted by the Council as follows:

Section 1. Section 20-563 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897, is amended by adding new definitions of “food delivery worker” and “toilet facility” in alphabetical order to read as follows:

Food delivery worker. The term “food delivery worker” means a natural person who is hired or retained as an independent contractor by a food service establishment, as an independent contractor of a third-party food delivery service or as an independent contractor of a third-party courier service, as defined in section 20-1501, to deliver food or beverage from such establishment to a consumer in exchange for compensation.

Toilet facility. The term “toilet facility” means a toilet facility on the premises of a food service establishment that is a dedicated facility for its patrons or that is a dedicated facility for its employees to the extent such establishment does not have a dedicated facility for its patrons.

§ 2. Subdivision b of section 20-563.6 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897, is amended to read as follows:

b. An agreement executed in accordance with this section shall include a provision requiring that a toilet

facility is available for the use of food delivery workers lawfully on such establishment's premises to pick up such establishment's food or beverage for consumer delivery, except (i) where accessing the toilet facility would require a food delivery worker to walk through such establishment's kitchen, food preparation or storage area or utensil washing area to access such facility, pursuant to subdivision d of section 81.22 of the health code; (ii) where accessing the toilet facility would create an obvious health and safety risk to the food delivery worker or to the establishment; or (iii) any additional exceptions that the commissioner promulgates by rule. Such agreement shall not include a provision, clause, or covenant that requires a food service establishment to indemnify a third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment's product leaves the place of business of the food service establishment. To the extent an agreement executed in accordance with this section contains such a provision, such provision shall be deemed void and unenforceable.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2021, takes effect, provided that subdivision b of section 20-563.6 of such code, as amended by section two of this local law, applies only to agreements executed on and after such date, and except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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