

THIRD-PARTY FOOD DELIVERY SERVICES

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<http://www.house.mi.gov/hfa>

House Bill 6280 as introduced
Sponsor: Rep. Julie Alexander
Committee: Regulatory Reform
Complete to 11-10-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6280 would amend the Food Law to provide certification requirements for third-party food delivery drivers and to require certain protocols for packaging and transporting food ordered for delivery through a *third-party food delivery platform*.

Third-party food delivery platform would mean a business that provides online food ordering and delivery from a food service establishment (i.e., a restaurant) to a consumer. (Examples would include DoorDash, GrubHub, and Uber Eats.)

Food delivery drivers

Under the bill, a third-party food delivery platform would have to require that anyone who contracts with it to be a food delivery driver must have a current certification from a personnel certification program accredited by the American National Standards Institute, using the Conference for Food Protection Standards.¹ The certification would be valid for three years. Upon request, a food delivery driver would have to make proof of certification available to either of the following:

- The manager or owner of a food service establishment.
- A consumer who receives a food delivery.

Food service establishments

The bill would require a food service establishment using a third-party food delivery platform to close and seal all food bags or containers delivered through the platform. The third-party food delivery platform would have to deliver the food according to the protocols and procedures that food establishments must follow under the Food Law.

Transportation of food

The bill would require food delivered through a third-party food delivery platform to be transported in a manner that meets all of the following:

- The interior floor, sides, and top of the food holding area must be clean and able to withstand frequent cleaning.
- The food bag or container must remain closed and sealed as required above and protected from contamination.
- The food must be maintained at a temperature necessary to prevent spoilage.

¹ See http://www.foodprotect.org/media/managercert/MTTC_FAQ_11-06.pdf
Also <https://anab.ansi.org/credentialing/food-protection-manager>

A third-party food delivery platform that violated these transportation requirements could be ordered to pay a civil fine of up to \$500. [**Note:** Neither the bill nor the Food Law appears to indicate where this civil fine revenue would be directed.]

A violation could be prosecuted by the attorney general or by the prosecutor of the county where the violation occurred.

MCL 289.1111 and proposed MCL 289.6171, 289.6173, and 289.6175

FISCAL IMPACT:

House Bill 6280 would have an indeterminate fiscal impact. Under the bill, a civil fine of up to \$500 would be ordered for food delivery drivers not meeting proper certification requirements and for third-party food delivery companies not following specified public health and safety regulations. Most civil fine revenue for violations specified elsewhere in the Food Law are directed to be deposited into the Dairy and Food Safety Fund administered by the Department of Agriculture and Rural Development. However, the bill does not specify where the revenue from the new civil fines would be dedicated. By default, additional civil fine revenue would benefit public and county law libraries if it is not deposited into the Dairy and Food Safety Fund.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.