

HOUSE No. 4070

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to food delivery transparency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2025</i>

HOUSE No. 4070

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 4070) of Andres X. Vargas relative to food delivery transparency. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to food delivery transparency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended by inserting after section 305E the
2 following section:-

3 Section 305F. (a) For the purposes of this section, the following terms shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Chain restaurant”, a covered establishment that operates 4 or more restaurant or other
6 eating or drinking establishment locations.

7 "Covered establishment", a restaurant or other eating or drinking establishment offering
8 same-day food or drink for sale in a single commercial transaction through any third-party
9 delivery service platform.

10 “Customer”, an individual using a third-party delivery service platform to place an online
11 order.

12 “Franchisee”, a covered establishment that has a contractual agreement to use a trade
13 name, service mark or related characteristic of a different corporation, partnership, sole
14 proprietorship or other business entity.

15 “Ghost kitchen”, food preparation and cooking facilities not owned or leased solely by a
16 covered establishment to produce food or beverages for solely same-day delivery or pick-up.

17 “Independent business”, a covered establishment that: (i) is not owned, licensed or
18 franchised by any other corporate entity; and (ii) is not a part of a restaurant chain.

19 “Online order”, an order for food or drinks placed by a customer through a third-party
20 delivery service platform provided by a third-party delivery service company for pickup or
21 delivery in the commonwealth.

22 “Third-party delivery service company”, a corporation, partnership, sole proprietorship or
23 other entity qualified to do business in the commonwealth that is engaged in facilitating same-
24 day delivery or pickup of food and beverages through a third-party delivery service platform for
25 20 or more separately owned and operated covered establishments.

26 "Third-party delivery service platform", any online enabled application, software, website
27 or system offered or utilized by a third-party delivery service company to facilitate the sale of
28 food and beverages prepared by, and the same-day delivery or same-day pickup of food and
29 beverages from, covered establishments.

30 (b) A third-party delivery service company shall display in a conspicuous manner on its
31 third-party delivery service platform information about whether a covered establishment is an
32 independent business, chain restaurant or franchisee or whether it is operating a ghost kitchen.

33 The third-party delivery service platform may utilize words or symbols to convey the required
34 information, if such words or symbols are able to be easily understood by customers.

35 (c) If a franchisee or chain restaurant is operating a ghost kitchen, the third-party delivery
36 service platform shall display information about the identity of any corporate entity that is the
37 parent company of the covered entity operating the ghost kitchen.

38 (d) If an independent business is utilizing a kitchen other than one that it solely owns or
39 leases, then the third-party delivery service platform shall display information conveying that the
40 restaurant or establishment that owns or operates the kitchen being utilized.