

Gold Rush: The Path to Regulating Food Delivery in the United States  
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## Introduction

The UberEATS website reads “just tap- and that’s it,” but the platform, and others like it, have sparked debates harder to resolve than a simple tap. First gaining popularity in 2015, and propelled during the pandemic, delivery applications have achieved outstanding growth. Yet, this success is not without scrutiny. Our basic understandings of convenience, labor and good service have been complicated by the rapid influx of such platforms (Public First 2023). These platform and gig firms often rely on the classification of their “workers” as independent contractors, muddling labor relations. They also rely on the economic environment in which they are adopted. Meaning, in the case of food and groceries, platforms rely on the popularity of local businesses. But in the case of others, their success hinges on the unpopularity of their competition. With an application's fortune and behavior so dependent on their localized economic and political environment, how does one prescribe a single regulatory agenda?

The expansion of platforms happened quickly, and states in turn quickly developed temporary legislation that limited facilitation fees and maintained alcohol age-restrictions but little else. But in 2021, with many pandemic-related restrictions relaxed, the future of regulation seemed straightforward. Legislatures could either let the time-constrained regulations die or pass new, comprehensive regulations that would endure alongside the platforms (Stewart & Stanford 2017). But what exactly would comprehensive regulations entail? And with an absence of the previously clear objectives (keep restaurants afloat while maintaining social distancing practices) would an interest in regulation persist? I find that in this post-covid era of platforms, states took a variety of paths to regulate platforms. While some states did forgo renewing sunset provisions, many more incorporated food delivery facilitators (FDFs) into their regulatory regime. The behavior of platforms, the workers, consumers, and the regulating agencies were limited, but why states differed in their approaches is the focus of this study.

Traditional models of regulation do not account for the regulatory complexity of FDFs. Even models of disruption, and the regulatory recommendations offered by the modest literature on the gig economy are limited in their explanations. As opposed to other platforms, FDFs did not enter states' regulatory regimes as the competitor in a long-related industry. Having less than 10 years of popularity and widespread use, the industry has not yet called for regulatory measures to protect itself. Further, consumers currently have no urgent interest in regulation, especially with existing food and accidental safety features in the platform. And because it is economically advantageous that platforms remain a source of employment, workers usually align with the firm. In short, by encompassing the most vexing features of both gig and platform industries, FDFs are anomalies in existing regulatory models. With multiple foundations, little formidable competition, and no direction from the federal government, what determines how, or whom, States choose to regulate?

The order of the paper is as follows. First, an outline of the current literature on gig and platform work and the relevant literature on regulation is provided. Second, an overview of the data collection and coding process. Then, an analysis is undertaken to test preliminary theories on the variation of FDF regulation across 45 states. Using Ordinary Least Squared (OLS) regression analysis and Event History Analysis (EHA), I investigate whether traditional theories of regulation or policy diffusion provide better explanations for the spread and variation in regulatory content. In highlighting the diversity of regulation content, I focus on which parties’

states regulate as well as the stringency of statutory language. Finally, in the conclusion, I summarize the work that follows, and present potential directions for future research. While I find greater support for theories of diffusion, the implications of both analyses have the potential to spark fruitful conversations regarding TPDPs and FDFs.

### **Understanding Gig/Platform Work**

Despite the incorporation of TPDPs into the US economy, there seems little uniform opinion on the “correct” political response to the burgeoning industry. Some scholars have pointed to the disruptive features of the platforms, claiming that any solutions to regulatory problems should follow the evolution of the industry (Koustimpogiorgos et al. 2020; Stewart & Stanford 2017; Zödi & Török 2021). Others, however, view the industry as something that has or should be incorporated into current political structures (Orr et al 2023; Vedant & Shiresi 2022; Ostoj 2021). For example, Blackham (2018) argues for the situation of gig work in UK and Australian equality law. And Malos et al (2018) bring gig work into conversations about employee rights and corporate social responsibility.

Thus far, comparative studies have positioned debates on platform work in the context of work-worker relationships. Studies of how the unique aspects of contract labor, which platform jobs run on, fit into larger pictures of labor regulation have offered the most robust evidence of the industry's importance. In Europe, scholars have found the potential of gig and platform labor interesting, with debates about what qualifies as employment and the definition's implications for social welfare (D'Anthonay et al 2021; Frenken et al; Leonardi & Pirina 2020; Zödi & Török 2021). In the East and Africa, conversations center on road use, worker safety, and internet accessibility; and whether platform or gig work has hidden barriers to entry complicating employment equity (Bart et al 2020; Vedat & Shiresi 2022). And in the Americas, the balance between the public and the platform has brought about discussions on regulation and management (Collier et al 2017; Collier et al 2018; Dubal 2017; Vaclavik 2022). While the literature has done a decent job of surveying platforms across the world, literature on the Americas, especially the states, is underdeveloped. And the work on FDFs is almost nonexistent.

TPDPs and FDFs are only small facets of the large industry that qualifies as the gig/platform economy, but during Covid, they became lifelines for many individuals. Because the onset of the Covid-19 pandemic and the subsequent “stay-at-home” orders that followed did not allow enough time for restaurants to adapt to new social distancing mandates (such as drive-thru or create and implement delivery services) full-service restaurants were left with little choice but to rely on FDFs (Liddle 2020). For TPDPs, platform use also increased as groceries and household goods were increasingly difficult and dangerous to acquire. But instead of disappearing with the pandemic lockdowns, as predicted, TPDP especially FDF growth has not yet slowed. Instead, the platforms and their services have expanded, and individuals still find the convenience of FDFs difficult to part with. Their post-covid existence should be as, if not more, interesting for researchers.

While the social science literature on gig work is already scarce, the political science scholarship on “food delivery apps,” and other platforms included in the category of FDFs is barer. This paper aims to change that. Connecting platform work, regulation, and policy diffusion can help lay a useful foundation for studying the modern American political economy. This paper

explores the regulation of third-party delivery platforms, and food delivery facilitators. By looking at the origin, spread, and stringency across 45 states, it brings the study of platform work to state politics.

### **Evaluating regulation and diffusion**

Despite interest in gig and platform economies, the literature has little to offer about how regulation functions in this specific policy arena. However, we do know that even the most insulated markets, local food delivery by local contractors, are regulated to ensure that the market is indeed performing. Because the study of FDFs is inherently complex, it is sensible to approach with a comprehensive understanding of what should be expected, and then see how comparable it is to the observed.

The literature presents conditions for theories of regulation. First, on the federal level, the policy making process involves Congress, agencies, and firms; who then produce legislation that serves as a blueprint, if not the definitive version of regulation (Lowi 1964). Second, the federalist structure of the American government ensures that if the federal government is unmoving, states can still protect “their” interest through regulation (Teske 2004). Finally, if one can predict “whether” an industry will be regulated, one can better predict “who” will be regulated. The logic follows that if regulation is a mechanism used to protect group interest, understanding which interests are being protected will reveal the targeted group.

The question of whether to regulate is often decided by demand. In the case of self-interest, firms use their political influence to obtain protection from competitors or legal burdens (Wilson 1980). In cases of regulatory capture, this looks like agencies following the regulatory request of firms. Regulatory actions can serve industry interest through sympathetic regulatory practices such as intentional lack of regulation. Or they can take the form of pro-industry policy, as in the cases of entry-barriers to protect competition (Stigler 1971).

In the case of public interest, there is large social pressure to regulate. Legislators, motivated by their prospects of maintaining office, are pressured into creating laws that limit behaviors of firms (Wilson 1980). In this context, public interests are opposed to the industries and legislators implement policy thought to placate citizen groups. Because both legislators and business firms rely on some public support, policy is usually responsive to public demands for regulation.

And in the most abstract cases, the decision of whether to regulate is constrained from the beginning of the policy-making process. The political scene literature has established that regulation often occurs within the constraints set by businesses. Lindblom (1982) argues that businesses imprison the market and prevent the government from reforming through threats. On the other hand, governments may change regulation standards, or forgo enforcement, to persuade businesses to invest. While the state politics literature has found little evidence of a “race-to-the-bottom,” interest groups remain integral in determining whether to regulate (Konisky 2009; Pacheco 2017; Garret & Jansa 2015). On the federal level this looks like reducing labor or environmental standards to compete with other nations (Davies, & Vadlamannati 2011; Prakash & Potoski 2006).

While the literature offers a picture on whether a firm would be regulated, existing models of regulation have yet to predict FDF regulation. When thinking about the regulation itself, because

FDFs do not fit cleanly into existing models of regulation; those models may not be the best predictor of content and stringency. TPDPs and FDFs have multiple regulatory foundations, some of which were consequences from self-interested regulation, public-interested regulation, and features inherent to market systems. The idea that states would choose only one actor to regulate seems unlikely. Likewise, the idea that state legislatures would have the information, time, and interest to regulate all actors seems unlikely. The decision then, of whom or what to regulate may then be a matter of utility.

Of the four main mechanisms of diffusion: Economic Competition, Coercion, Learning and Imitation, the latter two are the most ideal in utility maximizing policymaking (Shipan & Volden 2008). Coercion in the context of TPDP/FDF regulation is unlikely because there is no movement from the federal government. Likewise, economic competition, despite studies finding little evidence of “races to the bottom,” is a mechanism dependent on large, interconnected economies. And though the US food system is interdependent, FDFs operate in a local context. Thus, not only are learning and imitation relevant to this study, but in the information environment of TPDPs they seem logical means of regulatory diffusion.

Learning as a mechanism of policy diffusion is intuitive. If State A implements a policy and observes desirable outcomes, State B will adopt a similar or identical policy. A sizable portion of the literature credits interstate compacts for facilitating this aspect of policy diffusion. Likewise imitation involves State A implementing an innovation policy or program and State B in its effort to be more like State A, adopts the same.

Learning follows the success of policies. Imitation, however, often follows the success of governments. Both mechanisms are related to the present theories of innovation and "states as laboratories" that credit knowledge as a key factor in drafting innovative policies. And in both cases, factors such as time, bargaining, and bureaucracy are likely to play crucial roles. Wealthier, more professionalized, legislatures are predicted to be more likely to experiment, and be the innovators (Mallinson 2021, Walker 1969). Less professionalized ones, smaller states, or those with smaller budgets, are likely to imitate larger and more innovative states, adopting policies regardless of their feasibility in their political environment. In either case, as more states pass statutes, all states begin to benefit from observing the regulation's consequences. Exploring whether diffusion is a better explanation than regulation is the goal of the analysis presented later.

### **Limitations of existing research**

Key to the study of gig and platform economies is clarity of what the terms mean, how they differ and how they relate. The literature largely uses the terms “platform” and “gig” interchangeably. But here, and in the public sphere, their ever-growing role in the US economy and the political implications of their distinct roles beg specification. The foundational difference between the platform and the gig economy is the platform’s reliance on digital frameworks. A platform specifically functions through web-based applications. The gig economy is distinguished by the temporary work being done by those who earn through it. Both gig and platforms have contributed to the confusion by adapting to the tools and profit-maximizing practices the other offers. Additionally, competition in the platform economy is usually between

the sellers; while competition in the gig economy is between workers. While conflating the two industries matters little when talking about the “facilitating firms” each aspect offers its regulatory challenges.

Although facilitators like *Grubhub*, *Postmates*, and *UberEATS* capitalized on space in an economy, it was not without displacement. Platforms are known to “disrupt” the regulatory process. Collier et al. (2018) offers a two-phase model of regulating transportation network companies, the immediate predecessor of Food Delivery Facilitators (FDFs). The first phase involves the disregarding of existing regulatory regimes; in the case of Uber and other ridesharing, it was the preexisting regulation of the taxi industry. In the second phase “both city and state levels—in legislative and sometimes regulatory bodies” begin to regulate the disrupters, resulting in dual regulatory regimes.

The few studies that have analyzed the political consequences in regulating the platform and gig economy have looked at the likes of Uber and Airbnb (Collier et al 2018, Dubal 2017). These organizations follow the same technological and labor formats as the FDFs of focus here. The organizations, however, are different in that they arose as a competition to longstanding, long regulated industries. Uber and similar ride-sharing platforms immediately competed with taxis and private car services. Their approach was one of asking for forgiveness instead of permission. Airbnb, VRBO and house/rent-sharing programs followed suit. While they primarily facilitated sales, between the new “hosts” that arose, and their lodgers, they were now competitors to longstanding “official” hotel and bed and breakfast chains. Food delivery platforms did not find their origins as competitors to long-standing businesses. Most local restaurants prior to Covid-19 either had no large demand for at-home delivery or had private delivery drivers. Though they facilitated food orders for a fee, restaurants in general were reliant on the revenue brought in by the platforms (Russell 2021).

Though Collier et al. (2018) offers the most inclusive model of regulation it still fails to capture a few aspects particular to FDFs. Firstly, their model accounts for triangular relationships; not the “quad” relationship as in the case of Food delivery facilitators. Food delivery facilitators are web-based platforms, often mobile applications that first connect consumers to restaurants, then connect restaurants to noncontract workers, workers who then deliver the food to the consumer. In traditional gig/platform context, a single end-user has a contract with the intermediary. A worker has a contract with the intermediary, who facilitates the transfer of goods. Whether the end-user and worker have a contract is conditional on the economic and regulatory environment. In the case of ridesharing, Uber connects contract drivers to consumers (riders). Facilitating platforms incorporate an additional end-user. In the case of food/grocery delivery, the supply of goods is from one end-user and the performance of services (shopping/delivery) is done by a worker. Because these goods are subject to preexisting safety codes (cooking, storing, etc.), both “end-users” must be able to engage with one another, at least facilitated through the intermediary. The quad relationship means there is a possibility of up to five, instead of three, contracts depending on the economic and regulatory environment.

So, despite their offering of a foundational understanding of the regulatory regimes and their vulnerability to the modernizing world, current models are subpar for the unique features of FDFs. A key feature of Collier et al’s “disruptive regulation,” is its two phases. The first phase involves an existing regulatory regime. In turn, existing analyses primarily involve platform

economies of the popular Airbnb or Uber varieties, that is, the platforms concerned with providing individual-run alternatives for long established sectors (hotels and taxis respectively). As noted, FDFs do not spawn from a singular sector. Food nationally and locally is regarded as health and agriculture. FDFs utilize much of the same technology and employment models of transportation network companies. Additionally, the delivery formula of most TPDPs is comparable to most mail carrier services. Understanding regulatory responses as “challenge focused,” as founding models do, and Collier et al’s first phase does, fails to capture the unique complex origin of the platforms.

The statutory regulation of FDFs involves up to five parties; the platform, the businesses that provide the goods, the workers that deliver the goods, the consumers who receive the goods, and the agency responsible for regulating the platform. So, with five unique regulatory foundations, which foundation to build TPDP regulation on then is a puzzling question. Without parameters set by the federal government, how then did states decide whether and then whom to regulate?

### **A new test**

This paper tests both theories of regulation and theories of diffusion. While I posit two testable hypotheses, above all, the aim of this paper is to gain an understanding of the gig economy's role in American politics and state regulatory regimes. Quantitative methods have not yet been adopted in American studies of the gig and platform economies. However, this paper employs the methods widely used in the literature on both regulation and diffusion. To test regulation, I perform an OLS regression. To investigate diffusion, I conduct an Event History Analysis (EHA). The objective of the analysis and subsequent sections is to examine and explain the influences of content in legislation regarding TPDPs and FDFs. In addition to testing my two hypotheses regarding how states decided to regulate, I describe the current state of TPDP regulation.

The first hypothesis is one of capacity and content. While legislative capacity has little predictive capacity when a state begins regulating, there is reason to believe that legislative capacity will influence the content of the legislation; more precisely, the stringency. Specifically, because the cost of limiting discretion declines, as legislative capacity increases, states with higher levels of capacity will produce more stringent regulatory statutes (Huber and Shipan 2002). Third-party platforms are relatively new to American politics, gaining their current popularity quickly in the past five years. Assuming information costs are at their highest when states first begin regulating, states with higher levels of capacity will be more willing to bear the cost and begin regulating sooner. This in turn, looking at the latest, most relevant statutes, will lead to discovering more stringent regulations in states with higher levels of capacity.

Additionally, many of the characteristics of professionalized, high capacity, legislatures lend to greater information, and stringency. I expect that states with higher levels of legislative capacity will have a greater capacity to oversee actions of bureaucratic agencies (Boehmke & Shipan 2015). This oversight capacity gives legislatures the freedom to impose more stringent regulations without threat of bureaucratic defect. Related, there is little need for agency discretion in environments where legislators have adequate policy-specific knowledge (Potoski 2002). A greater staff size intuitively means that politicians will be able to access a larger amount of knowledge in the same amount of time as those with less staff. The literature also has

documented that more professionalized legislatures attract a certain kind of candidate and thus a certain kind of legislator. Nemerever & Butler (2020) provide evidence that more professionalized legislatures attract more knowledgeable candidates. And because they do not attribute this knowledge to on-the-job learning, I assume that overall, a more professionalized legislature is, on average, more knowledgeable than a less professionalized legislature.

Further, we can expect that the considerations for regulation of third-party platforms have little value outside of the electoral arena. In states where legislators are paid more, and thus less likely to hold jobs affected by third-party platforms, the less likely they are to consider regulation a risk to themselves. State finance literature discusses the phenomenon of self-interest at great length (Witko 2007). In short, higher legislative capacity should lead to higher regulatory stringency.

*H1: As legislative capacity increases, the stringency of regulation will increase.*

The second hypothesis is one of information acquired through diffusion. The question of whether or not to regulate is a temporary question (Mallison 2020). In the early lifespan of policy, there is hesitancy and a shortage of information for legislatures and bureaucrats. However, as the policymaking arena becomes more familiar with the policy area, the decision to regulate becomes less about information and more about strategy. The “laboratories of democracy,” comes from innovation in the face of uncertainty. Once states begin regulating however, there is less uncertainty. The policy diffusion literature attributes this increased likeliness to one of two similar but distinct phenomena. Imitation or learning. While the content and purpose of the legislation differs between the two, both make other states more likely to pass legislation. The pattern of learning or imitation follows the lifespan of the policy and is not necessarily linked to internal political structures of states outside of other conventional theories about innovation, partisanship, or efficiency (Walker 1969).

*H2: As the total number of states regulating TPDPs increases, the likelihood a state will begin to regulate TPDPs increases.*

## **Data**

The first step before understanding how regulation spreads is to first account for the variation across states. To do this, I use a collection of state-specific data. I first identify which states include food delivery platforms in their understanding of marketplace facilitators. This designation of food delivery platforms as marketplace facilitators requires the platform to abide by state tax codes. This gives TPDP/FDFs the responsibility of collecting and remitting state-administered sales tax, at the very least. There are 40 states that classify FDFs as marketplace facilitators, with most designating the platforms as such, as early as 2019, and as recently as 2022. The UberEATS for Merchants website provides a list of states, the effective date of Uber Eats remittance and a link to the legislation or agency website. The site gives a helpful starting point for researchers to locate which states have legislation regarding the platforms, but it is interesting to note that many states require such a page on the platform’s website in the statutes.

In addition to including the 40 relevant codes regarding marketplace facilitators, I also gather statute and code text for food delivery facilitators. A total of 22 states have statutes explicitly referring to food delivery facilitators. Most states have food delivery facilitator statutes, but five



states have statutes concerning FDFs but do not also classify them as marketplace facilitators. The relevant state codes were then used to inform the variables used in measuring stringency and other control variables. All statutes that were in effect during the data collection process were included<sup>1</sup>.

The presence of statutes and codes, the length of the text, and its contents informed 20 variables. Of the 20 text related variables, 17 were simply descriptive (dummy variables for which parties had text restricting their behavior, the year the statute was first passed, the last year the code text was updated, etc.). Three variables concerned the stringency of the text, the coding included measures of length, language, and temporality with a composite stringency score for each state. A substantial portion of this project was spent collecting data and coding it in a way that would have some external validity. State codes and the relevant descriptive information<sup>2</sup> were available on their state legislative website, LexisNexis, Open States, or Bill Track 50.

An additional 11 variables were used to measure capacity. While I used the 2015 professionalism scores provided by Squire's (2017) updated and corrected indexes, I also collected the raw numbers used to calculate legislative professionalism. The National Conference of State Legislators (NCSL) provided data for base salary<sup>3</sup> and staff size for the years 2015 and 2021. Base salary, the minimum earnings lawmakers could expect each year in office, is an expected indicator of legislature professionalism. The base salaries ranged from \$100 to just under \$120,000<sup>4</sup>. I used the staff size of legislatures for the years 2015 and 2021 to correct for possible downsizing due to the COVID-19 pandemic. The "distribution" of staff did not differ much between 2015 and 2021 but the changes in respective staff size ranged from -441 to +663. With an average staff loss of 21 people. Data for partisan composition of the state was gathered using NCSL online archives, KFF, and Ballotpedia.

Additionally, four of the capacity variables related to legislative oversight capacity. The four variables were calculated by Wayne State's Levin Center for Oversight and Democracy and included a classification ranging from minimal to high capacity on different dimensions: overall oversight institutional capacity for oversight, overall use of institutional capacity for oversight, oversight through advice and consent, and oversight through committees. While some dimensions are expectedly related to, none are predicted by legislative professionalism.

Finally, I included three variables that were potentially relevant to both legislative capacity and statute stringency: urbanization, region, and citizen referendum. The estimates for

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<sup>1</sup> Multiple states included sunset provisions. For states who had newer versions of the statute come into effect during the collection period the most current version of the statute was coded.

<sup>2</sup> Although the platform websites have links to the agency websites, none linked the state code. Nor did the platform websites provide links for the statutes regarding third-party delivery platforms.

<sup>3</sup> States with no base salaries, or pay per session or calendar day were estimated using statutory minimum/maximum session length when states had one. If there was no statutory minimum/maximum session length I used an average of the session length over the last three years (2019-2022). [Session length data came from the Ballotpedia (Encyclopedia of American Politics).]

<sup>4</sup> For states with no base salary, salary, and "per legislative/calendar day" pay structures, base salary was estimated using minimum/maximum session length based on statutes. If there was no minimum or maximum session length the average of the last three session lengths (2019-2022) was used. Session length data came from Ballotpedia and NCSL.

urbanization come from FiveThirtyEight’s index using a natural logarithm of the average number of people living within a five-mile radius of a given resident. Because restaurant and worker density are likely to be related to urbanization, including the variable as a control accounts for the potential salience of regulating FDFs. Further, states are given a region based on the sorting of the U.S Bureau of Economic Analysis (BEA). Geography may influence regulation as well as economic activity. The analysis controls for the BEA region a state belongs to. The citizen referendum data, found on Ballotpedia, provides information for the binary variable whether there are referendum or veto options for citizens. Legislatures are often more responsive when drafting legislation (Arceneaux 2002, Smith 2001) and with public support of platforms (Collier et al 2018, Cullpepper & Thelen 2020) and some evidence of a relationship between ballot measures and professionalism, I include ballot measures as a control<sup>5</sup>.

There are 11 different ways in which states are currently regulating TPDPs. Table 1 below shows the different groups while Figure 1 shows the number of parties each state regulates.

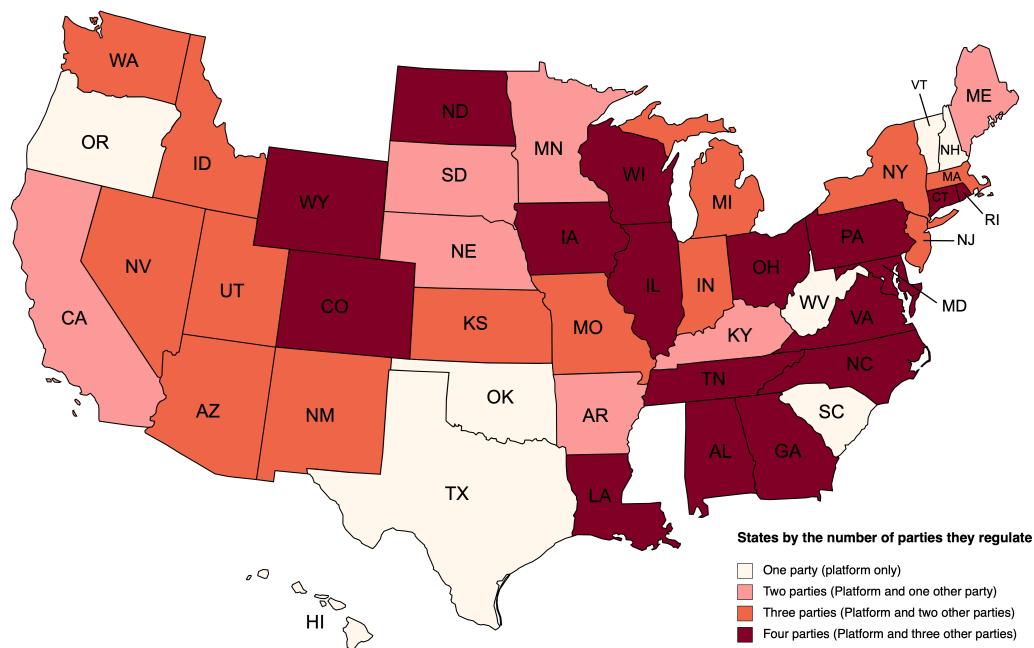
*Table 1*

Parties Regulated	States
Platform Only	Hawaii, Oregon, Oklahoma, Texas, West Virginia, New Hampshire, Vermont, South Carolina
Platform and Department	Connecticut, Minnesota, Arkansas
Platform and Seller	California, Nebraska, South Dakota, Kentucky, Maine
Platform, Consumer, and Department	Utah, Michigan, Idaho
Platform, Seller, and Consumer	Missouri, Washington
Platform, Seller, and Worker	Indiana
Platform, Department, and Seller	Arizona, Nevada, Kansas, New Jersey, New Mexico, New York, Massachusetts,
Platform, Consumer, Department, and Seller	Alabama, Georgia, Rhode Island, Illinois, Ohio, North Carolina, North Dakota, Virginia, Maryland, Pennsylvania, Colorado, Wyoming, Wisconsin
Platform, Consumer, Department, and Worker	Tennessee
Platform, Department, Seller, and Worker	Iowa
Platform, Consumer, Seller, and Worker	Louisiana

As for regulation, the party regulated the least, as noted above, is the worker, but even so, the majority of states don't restrict the behavior of more than three parties, with most restrictions targeting sellers. Out of the total 45 states included in either section of the analysis, only three state statutes restricted the behavior of gig workers. Interestingly, delivery people are the only

<sup>5</sup> Mississippi received a zero for citizen referendum because the requirements are unable to be met.

Figure 1: States by the Number of Parties they Regulate



ones who directly engage with every other party. Further, these three states, Iowa, Indiana, and Tennessee, share many characteristics explored in this paper, such as disallowing citizen referendums and being led by the Republican party. Additionally, all three states began regulating in 2018. Surprisingly, these states are not geographically contiguous, even though they share neighboring states. Indiana and Iowa share Illinois, Iowa and Tennessee share Missouri, and Tennessee and Indiana share Kentucky.

The five states not included in the results are Alaska, Delaware, Florida, Mississippi, and Montana. These states neither classify TPDP/FDFs in a way that includes them in current tax regulations or have statutes explicitly limiting their behavior, or the behavior of those associated with the platform. Interestingly these states all belong to different geographic and economic regions tested here. Besides being Republican led, apart from Delaware, they share few characteristics. Both the capacity and diffusion analysis were done with states receiving zeros for stringency/event and with them excluded. The results in the following sections present the analysis done with the states excluded as the results did not significantly differ.

Finally, the case of the South stands out. Except Texas and South Carolina, the "Deep South" behaves like other analyses due to its unique historical context. However, it is only the South that provides any evidence for the hypothesis posed earlier. This support, however, is refuted by the lack of evidence in other regions of the United States. The absence of regulation in the South raises questions about why it has refrained from regulating third parties.

First, I test whether legislative capacity plays a role in the stringency of said regulation. Because the literature has highlighted the multiple advantages of a professionalized legislature whether it be attracting a demographic of candidates and legislators, or their levels of efficiency and responsiveness, these seem relevant to the different factors one may expect to be influential

on whether a state regulates TPDPs, the agencies that regulate them and how stringent the regulation is.

### Measures

*Statutes:* All relevant text in statutes are coded into one of four categories: Legal, Economic, Technology, or Food Regulations<sup>6</sup>. The distinct categories encompass more specific typologies of regulation such as consumer protection, price/tax caps, advertising, data-sharing, the sale of alcohol, the sealing of food bags, etc. This text is then analyzed for its length, language, and presence of temporality.

*Length:* The regulation literature to date has often used length to determine the stringency of legislation. It is widely understood that a longer statute contains more policy-specific details that constrain the actions of other actors (Huber and Shipan 2002). Though imperfect, the measure is standard and useful information to determine the validity of the other factors surrounding statute content. Length is measured with a simple word count. The dataset includes a word count for marketplace facilitators, food delivery facilitators and a combined total word count variable.

*Language:* Like the nature of third-party regulation, the language surrounding who and what is regulated varies across states. While terms such as “intermediary,” “facilitator,” and “third-party seller” are all used to locate relevant statutes, the breadth of each term is occasionally relevant to the overall stringency of its regulation. In cases where terms other than “platform” or “marketplace” are used, and definitions provided, the definition is analyzed for its stringency; with broader definitions coded as more stringent. Because the absence of definitions can be understood as delegating bureaucratic autonomy, and because the consequences of this delegation are often unknown to legislators, I neither consider this intentional stringency nor intentional leniency.

Additionally, language refers to the “intensity,” of the vocabulary used to express the actions taken by either the platform or the agency responsible for its oversight. Terms such as “must,” “require,” and “conspicuous” are arguably stronger than “shall,” “allow,” and “clear.” Language also includes numbers. Figures such as minimum or maximum dollar amounts are also subject to interpretations of “intensity,” with maximums or caps being stronger than minimums.

*Temporality:* Temporality refers to any mention of deadlines, or references to time. This detail is common in many categories of regulatory statutes such as financial disclosure, healthcare, or elections. Cues of temporality in bills include temporal vocabulary cues such as “periodically,” “annually,” “often,” and more specific limits on days, months, years, etc. Because temporal cues are context-specific in their ability to signal restrictions, I do not also evaluate them regarding their “intensity.” This measure in conjunction with the other two analyses of language creates a better measure of statute stringency overall.

*Stringency Scores:* Here stringency is the severity and specificity of language used in describing the limitations of behavior. Measures are all empirically positive meaning that a state cannot have a raw negative value of stringency. The absence of strong language or time, or shorter statutes do not immediately equate to less stringent, as the statutes are independently

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<sup>6</sup> Hierarchy if agency specific topic– also to explore patterns of nature of regulation with legislative capacity

analyzed. In short, each statute will receive a stringency score. Once all statutes are measured, the state gets a cumulative score of stringency. The cumulative scores of states are then indexed. Scores are scaled with the mean at zero and, at this point, we may see states with low, negative, levels of rigidity surrounding third-party platforms. The empirical expectation is that each measure correlates with the final score. States with zero observations are then excluded from the second part of the analysis.

The second part of the analysis involves measuring legislative capacity. The American politics literature has a much longer history defining and quantifying legislative capacity than the stringency of third-party platforms. The normative understanding of legislative capacity involves a measure of legislative professionalism and an assessment of institutional ideological congruence.

*Legislative capacity*: Legislative capacity, also referred to as legislative professionalism, is a moving measure that compares the institutional arrangements of a state legislature to that of the US Congress. Legislatures that function more similarly to the federal legislature are more professionalized, and those that are citizen legislatures, or less professionalized are those states whose legislative institutions are less comparable to the federal legislature. Squire (1992, 2007, 2017) has developed a much-used index using different institutional characteristics to determine a legislature's level of professionalism.

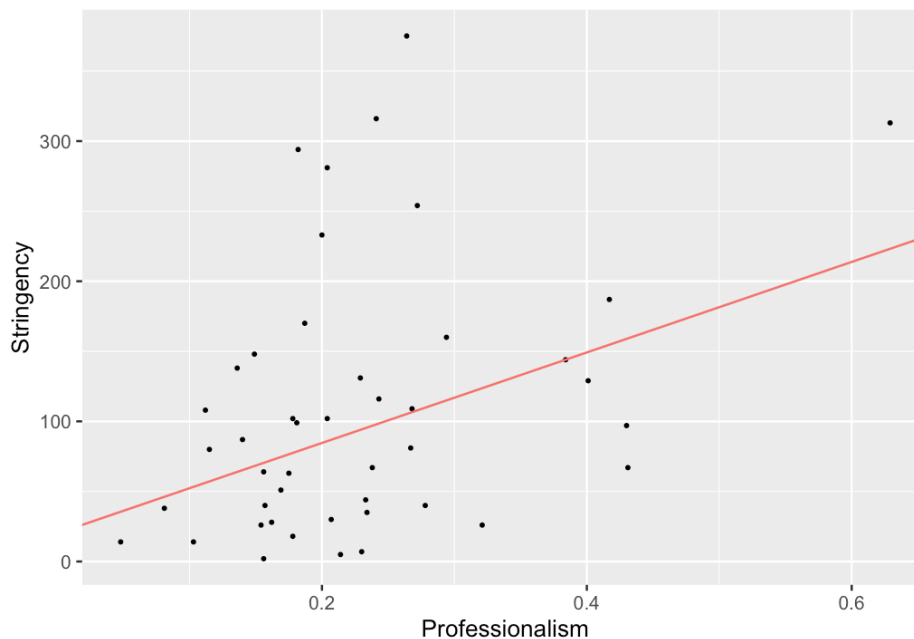
*Legislative professionalism* includes the average salary, staff size, and number of days in session. This means that a legislature that has access to greater resources is more professionalized. Because I am using the most recent version of each statute, the year state legislative professionalism is calculated varies. Calculations range from the years 2019-2022. To combat this inconsistency, I cross-check scores with the 2015 scores provided by the most recent Squire Update in 2017. Current scores are scaled at the mean and differ little from 2015 scores. Finally, I do not code states as semi-professionalized or citizen-legislature; I simply use the professionalization score as a predictor variable in the empirical analysis.

*Partisan rule* Regulating a third-party platform can be advertised as protecting business interests, in the case of limiting fees for restaurants (Nevada). Or consumer protection, in the case of mandating platforms disclose certain information (Michigan). Additionally, these regulations can be seen as protecting workers, allowing for unionization, or requiring that workers be paid minimum wage (Washington). These different frames may or may not be ideologically distinguishable. And while, in general, the literature suggests that more liberal states will have more stringent regulation, regulation efforts have been spearheaded by republicans and democrats alike. I do not expect partisanship to play a role in stringency, however, I do believe that states with the same party controlling multiple levels of government will be more efficient and get more legislation passed. Accounting for House, Senate, and gubernatorial partisanship I use a binary measure of how many levels of government a single party rules; 0 indicates that one party rules two levels and 1 indicates party "trifecta status." I additionally include two binary dummy variables for Democrat and Republic legislative leadership.<sup>7</sup>

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<sup>7</sup> Three states: Minnesota, Virginia and Nebraska, a "nonpartisan" state legislature, received a 0 for all dummy variables.

Figure 2



### Testing Capacity

The main variables used are *Stringency* (State stringency score) and *legislative capacity*, the outcome and predictor variables respectively. There is an established body of research that confirms a relationship between institutional arrangements and regulatory stringency (Witko 2007; Vogel 2012; Bennouna et al 2021; Huber and Shipan 2002). There are three main reasons I believe that higher levels of legislative capacity will affect statutory stringency (Hypothesis 1): information cost over time, oversight, and absence of self-interest. Overall, I expect states with higher levels of legislative capacity to also have higher levels of statutory stringency.

Detecting a relationship between years of regulation and capacity is straightforward. Using an ordinary least squares (OLS) regression I can gauge the correlation between the two variables. I regress Stringency on Legislative Capacity using the equation:

$$\text{Stringency} = \beta_0 + \beta \text{Capacity} + e$$

The main regulation analysis of this paper focuses on whether increased legislative capacity predicts increased stringency in FDF statutes. If state legislatures with more resources, information, and no sense of conflict of personal interest, then these factors should allow for state legislatures to craft more specific and constraining bills. Figure 2 shows the relationship between a one-unit change in professionalism and average statutory stringency. In general states cluster around medium to low professionalism, and in this area is again where we see the majority of variation in statutory stringency. The graph shows professionalism, as calculated by Squire (2017) on the x-axis, and the pure stringency score as calculated using the measures outlined above.

And though the graph convincingly portrays a positive relationship, the regression output is statistically insignificant. Table 2 shows the results of the second regression analysis. Table 2 demonstrates that, although legislative capacity has a positive impact on stringency, the relationship between capacity and stringency is not statistically significant.

Table 2 :H1

Coefficients:

	Estimate	Std. Error	t value	Pr(> t )
(Intercept)	93.07	18.34	5.075	8.34e-06***
Legislative Capacity	23.93	15.22	1.573	0.123

This seemingly large affect is possibly due to the inclusion of California. In Figure 2 the state is represented by the point in the upper right corner. As the state with the highest level of legislative capacity, along with high levels of stringency, it would be unsurprising if an analysis excluding the state had much weaker results.

Unique to note about stringency is that it is not necessarily related to how many parties a state regulates. Although the maximum stringency recorded in the data is 43%, indicating that 43% of the unique words used in the statute convey intensity or specify temporarily, no state regulates all five parties involved in the regulation of TPDs and FDFs. Indeed, California the state with one of the highest stringency scores, only regulates two parties: the platform and the seller. In many cases the average stringency across parties paints a different picture than the total stringency score of the state.

Figure 3: Stringency Across States

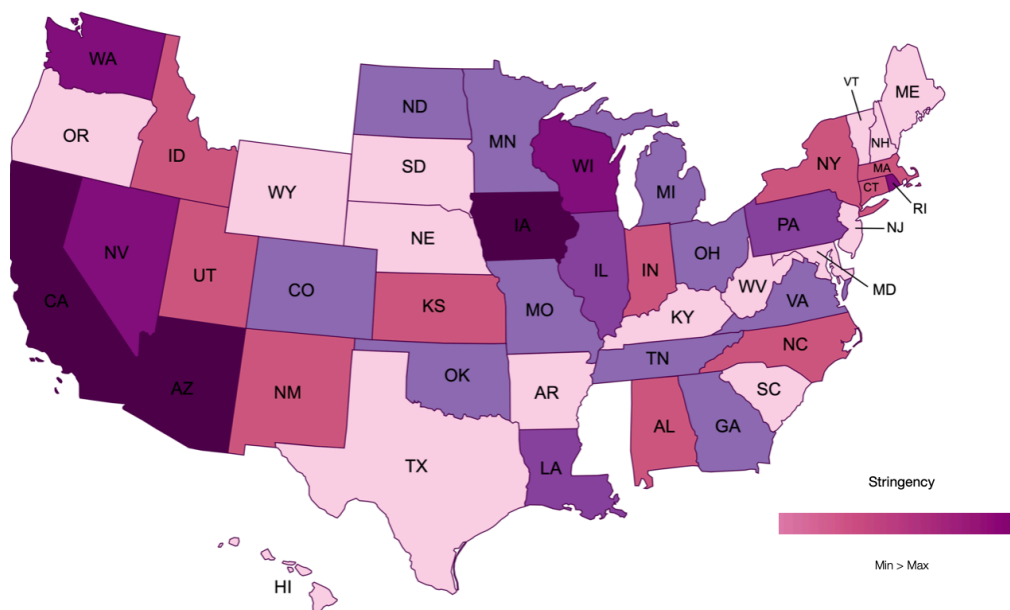


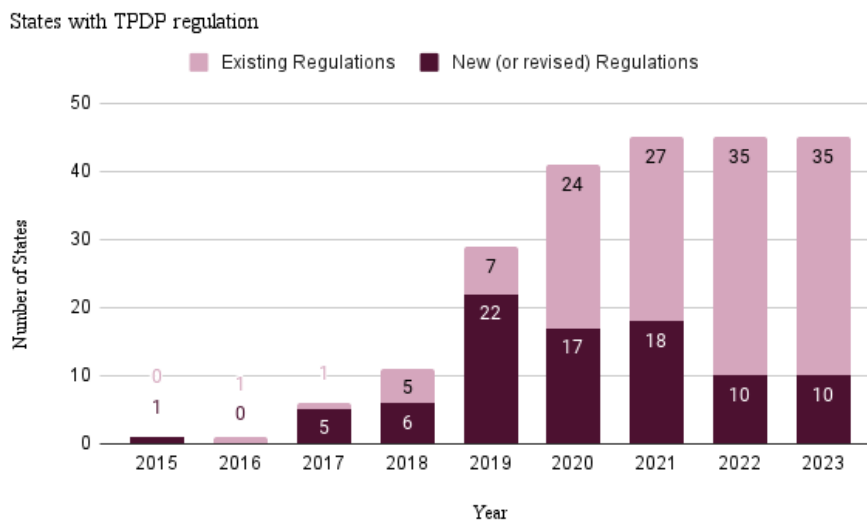
Figure 3 provides a map of stringency across states. States in the darker color have more stringent statute text overall. While some more professionalized states, such as California and Michigan, have more stringent statutes than less professionalized states, such as New Hampshire and South Dakota, stringency is not well predicted by legislative capacity.

### Testing Diffusion

Because I expect that after the initial TPDP regulation becomes effective, states will begin regulating the platforms at higher rates, as each year passes, the data should show that not only the total number of states regulating TPDPs increases, but the number of states beginning to regulate, per year, should also increase. Figure 4 below shows the number of states with TPDP regulation by year. Here we see it took approximately two years before another state passed legislation regulating TPDPs. And in the current observation year there are a total of 45 states with some form of platform regulation, with states passing regulatory statutes an average of 1.78 times. As expected, the number of states beginning to regulate TPDP/FDFs for the first time increased each year, with five states (Arizona, Minnesota, Oklahoma, Pennsylvania and Rhode Island) including the platforms in their state’s codes in 2017 and 2018 respectively. This was followed by a large increase in 2019 as 18 states began regulating, and four states revised regulations. States continued to revise statute language and new states continued to follow the crowd resulting in an average of 9.89 statutes being passed a year regulating platforms, their workers, the sellers, the consumers, and the departments responsible for regulating them.

In the EHA the dependent variable is whether a state regulates any related TPDP party in a given year. Because experiencing an event means a participant is no longer “at risk”, once a regulatory statute becomes effective the state is removed<sup>8</sup> from the data. Most studies on diffusion use EHAs to isolate the factors determining whether a governing body will adopt a

Figure 4: States with Regulation by Year



<sup>8</sup> While some states have sunset laws in place, no state included in the data went through a period where they did not have a regulatory statute in effect, after they began regulating.



given policy/rule in a given year. This paper slightly differs by isolating along the parties being regulated. I conduct five analyses, one for each party in the FDF relationship and the regulating agencies, to determine if diffusion plays a role in the content of statutory regulation.

Here the “event” is not necessarily if legislation passes both chambers, and is signed by the governor, but whether or not the regulatory statute is in effect. Because I used July 1, as the cutoff date for data collection, I also used it to determine whether a state began regulating that year. Thus, a state who passed a TPDP statute in 2017, but the statute was not to go into effect until December 2019, for example, is counted as beginning to regulate TPDPs in 2020. The number of states where this is the case is small, but it also explains why Florida<sup>9</sup> who will begin regulating TPDPs as marketplace facilitators in October 2023, is classified as having “no event” occur.

To see if diffusion had any role in the content of TPDP regulation, I perform five analyses, across the different parties in the quad relationship, and the department. Because much of the diffusion literature attributes an increase in regulation or policy adoption to learning and imitation, if either of these mechanisms are responsible for the growth of TPDP regulation, we should expect said regulation to be similar across time and space. Meaning that those states who regulate at the same time use the same information, and available statutory blueprints to create their own regulation (emulation/learning). Additionally, we can expect regions to adopt similar regulations. Regional patterns should arise partly because their regulatory regimes are likely to be similar because of shared physical characteristics. Additionally, and perhaps more importantly, these states are likely to be in the same “interstate communication networks” (Walker 1969). Table 3 shows the results of the EHA across the different parties.

Table 3 is split into the five parties. A total of 16 variables were analyzed, seven which were externally, or regionally based, as per the bulk of the diffusion literature. Two of which were party based, another aspect diffusion scholars consider important in widespread adoption. And five variables relevant to both the content and passage of TPDP statutes as indicated by economic or political factors explored in the regulation, capacity or platform literature.

Of the 16 variables 5 do not appear in Table 3, two regional variables Southwest, Northeast, the two-party variables: partisanship and partisan leadership, and an alternative staff size measure. Only one of the variables, Staff Size (b), had a positive and statistically significant effect on regulating TPDPs. While the effect was stronger in some aspects, the nature of Staff Size (a) seemed a more appropriate, and more likely predictor of whether a state would experience the “event” of regulating TPDPs. Additionally, though the regional variables are not reliable across all parties, neither the Southwest (Arizona, Oklahoma, New Mexico, Texas) or the Northeast (Delaware, Maryland, New Jersey, New York, Pennsylvania) had any significant effect on the regulation of any possible party. It is important to note that some of the null findings in the regions are not dissimilar from EHA analysis done previously (Taylor et al 2012; McGrath 2013).

For the variables included in Table 3 the most striking feature is not the specific effects across regions, but the difference in effects across regions. While all the regions included have a significant negative effect on whether a state regulates TPDPs, meaning in general states are

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<sup>9</sup> Florida was not set to begin regulating TPDPs until after the data collection had ended.

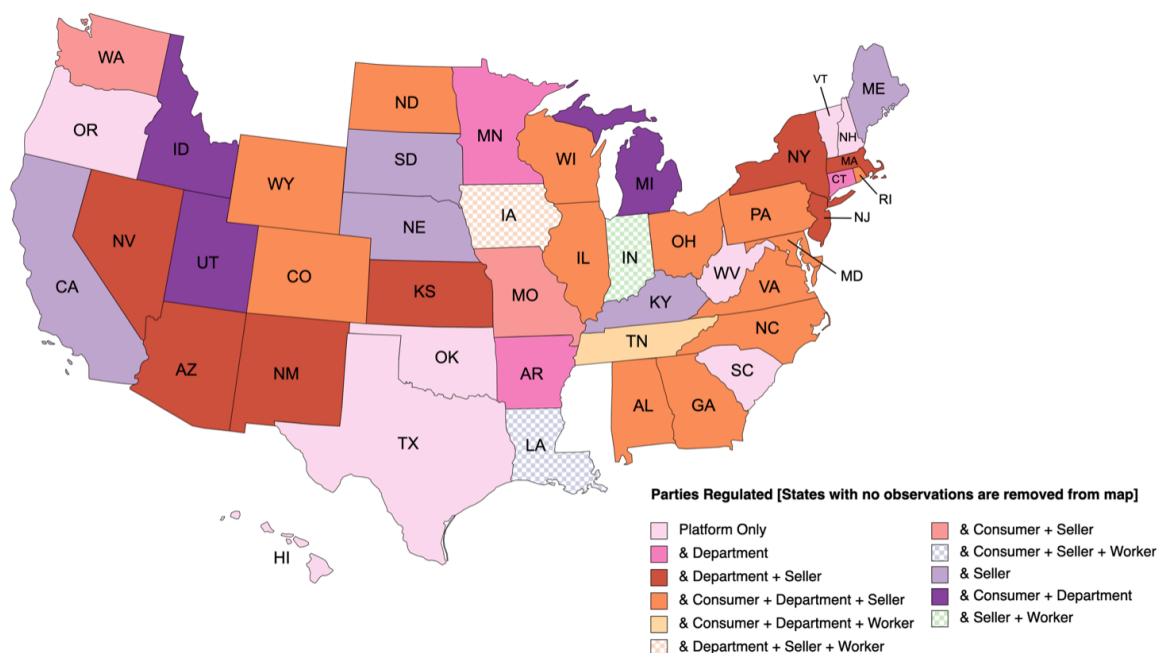
Table 3 Event History Analysis of TPDP Regulation 2015-2023

	Platform	Consumer	Seller	Department	Worker
<u>Regional Variables</u>					
East	-2.776*** (0.959)	16.008 (7,662.224)	-2.244* (1.210)	-3.133** (1.338)	179.327 (34,118.680)
South	-1.766** (0.861)	17.915 (7,662.224)	-1.375 (1.081)	-1.821 (1.165)	177.164*** (1.225)
Great Lakes	-2.082** (0.986)	17.802 (7,662.224)	-1.574 (1.203)	-2.267* (1.289)	213.075*** (1.225)
West	-2.737*** (1.012)	16.346 (7,662.224)	-2.047* (1.196)	-4.198** (1.641)	296.140 (51,776.460)
Plains	-2.311*** (0.889)	16.835 (7,662.224)	-1.293 (1.062)	-2.025* (1.210)	202.298*** (1.225)
Rockies	-1.733** (0.875)	18.416 (7,662.224)	-1.676 (1.162)	-1.242 (1.066)	206.294 (56,224.010)
<u>Other Variables</u>					
Base Salary	0.00001 (0.00002)	0.00002 (0.00003)	-0.00000 (0.00002)	0.00003 (0.00002)	-0.001*** (0.0003)
Staff Size (a)	-0.006***	-0.002	-0.006**	-0.005*	-0.330***
Urbanization	-0.085 (0.292)	0.149 (0.410)	0.110 (0.358)	0.370 (0.392)	8.835*** (1.660)
Referendum	-1.094** (0.474)	-0.500 (0.790)	-0.607 (0.574)	-1.392** (0.694)	-43.627 (19,602.240)
Professionalism	4.960 (4.518)	-1.169 (6.748)	2.875 (4.731)	2.006 (5.606)	-65.412*** (12.683)
<i>N</i>	45	45	45	45	45
<i>R</i> <sup>2</sup>	0.295	0.255	0.215	0.298	0.393

The analysis also included variables for Partisanship and Partisan leadership and the Southwest and Northeast region but values across all models were insignificant. Additionally, the data reported for Staff Size in Table # uses 2015 staff size data. The 2021 staff size also had significant, but positive, coefficients. \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

likely to regulate later rather than sooner, the effects vary. Belonging to the Western region means a significant decrease in the likeliness that a TPDP statute constrains the behavior of the

Figure 5: States by Parties Regulated



All states included in map regulate at least the platform

regulating department. Whereas a state in the Great Lakes is much more likely to constrain the behavior of a TPDP worker (independent contractor), than a state in the South when beginning to regulate TPDPs. These differences across parties are fascinating, despite geographic regions providing little consistent insight on the likeliness of a state regulating a particular party.

Lastly, included in the analysis are other internal characteristics of states, their regulatory regimes, legislative capacity or the market potential of platform firms. Besides Staff size which is discussed earlier, an interesting pattern arises in the predictive ability of citizen referendums. Urbanization, or the average number of individuals living in a five-mile radius of any given individual, has a primarily positive effect on whether a state will begin regulating TPDPs and the other related actors. Although urbanization has a negative effect on whether a state begins regulating platforms, in a given year, consistent with the regression results in the capacity analysis; it has a strong significant effect on whether a statute includes behavioral limits on workers, which given that urban areas are more likely to use the platforms more frequently, and large urban cities are likely to have their own requirements of platforms, has exciting implications for food and driving laws.

Figure 5 displays the states by which parties they regulate. This map perhaps gives the clearest picture of just how distinct state regulation is. Figure 5 also helps to visualize some of the regional coefficients as shown in the event history analyses. Recalling figure 3 helps us to understand just how ineffective looking at only the number of parties regulated is in understanding state regulation of TPDP. Approaching the study of TPDP regulation from multiple angles, as done in these two analysis, demonstrates the wide range of platform regulation as well as the possible explanations for this variety.

## Implications & Conclusion

The objective of this paper was twofold: provide an overview of the existing third-party delivery platform (TPDPs) and food delivery facilitator (FDFs) regulation and identify patterns responsible for the variety of statutory regulations. In doing so it puts forth two main propositions regarding the current state of TPDP regulation. First, it suggests that the regulatory landscape may have emerged through policy diffusion, via learning. Second, it proposes that individual states independently determined how strictly to regulate their platform economies as they rapidly gained popularity.

While the regression that explored legislative capacity did not shed light on the content of TPDPs, the event history analysis offered promising results. In short, the spread of TPDP regulation was widely dictated by external factors. The widespread adoption of platform regulation was a better predictor than internal factors like a legislature's ability to craft state-specific policy. For the different parties related to FDFs, there seem to be weak patterns throughout the data analysis. For workers, urbanization and regional coefficients were significant in determining whether they would be regulated. For sellers, though inconsistent, regional coefficients and staff size best explained whether a state would include statutory regulation. More generally, however, there was no obvious relationship between who is regulated and the extent to which they are regulated. The question of why some states value “quantity” over “quality,” when it comes to how many parties and the stringency of the regulation remains.

While this study provides valuable insights into TPDP regulation, it also highlights the need for further investigation into the factors driving regulatory decisions. Differences in TPDP/FDF regulations may greatly impact the viability of state economies and the national regulatory regime. And whether states retain their regulatory power over third-party delivery platforms remains to be seen. If legislative capacity is a poor predictor of content, then federal regulation may be as disruptive as the platforms themselves. On the other hand, if the federal legislature is looking to the states, “successful” regulation may be muddled by the lack of clear regulatory foundations. With much of their future unknown, any drastic changes in the popularity of TPDPs means displacement within the American economy.

The fate of these future regulations also has implications for the other parties related to TPDPs. As well as the agencies who have the responsibility of regulating them. Future research would benefit from a continued focus on public opinion and its political consequences. Whether consumers continue to side with and remain loyal to platforms, despite statutory limits in legal remedies, remains to be seen. It will also be interesting to see if restaurants and food services respond to the new demand for delivery. Whether they continue to outsource delivery or begin investing in their own services, it will affect the longevity of business and the political influence of platforms. Further, most work on gig and platform economies has been concentrated in labor relations. With only a few states providing statutory protections for the worker, the regulation of independent contractors remains a fruitful avenue of research. With the economic and political environment of the US perpetually precarious, whether rates of protection or regulation remain at their current levels is worth studying. And with their ability to influence our ideas of labor, the political implications of platform firms range from wealth and class to population, to race, and beyond. Finally, with sunset provisions still in place in many states, but the popularity and prominence of TPDPs growing, regulation a year from now may be unrecognizable. How

agencies interpret regulation today will shape the social and political landscape of the future. Future research should explore additional variables and theories to gain a comprehensive understanding of the complex interplay of influences on TPDP regulation across states.

Regulatory federalism may be one of the most important topics in American Political Economy. The field of American Politics would benefit from further exploration of platforms. From their regulation to the mechanisms that determine how states decide whom to regulate to the degree they do. The null findings from the stringency regression analysis should not dissuade scholars from pursuing inquiries into political environments and gig and platform economies. At the very least, we know the platform firms are engaging in the political process. Whether this is to protect specific or advance future interests remains to be studied. Whether the platform gold rush is ending or just beginning does not discount the substantial impact they have made.

## Bibliography

A.C.A. § 4-75-1403.

Act of Jul. 8, 2022, P.L. 513, No. 53

Adler, Matthew D., "Regulatory Theory" (2009). *Faculty Scholarship at Penn Carey Law*. 301. [https://scholarship.law.upenn.edu/faculty\\_scholarship/301](https://scholarship.law.upenn.edu/faculty_scholarship/301)

Arceneaux, K. (2002). Direct democracy and the link between public opinion and state abortion policy. *State Politics & Policy Quarterly*, 2(4), 372-387.

Avi-Yonah, Reuven S. (2011) "Taxation as Regulation: Carbon Tax, Health Care Tax, Bank Tax and Other Regulatory Taxes," *Accounting, Economics, and Law*: Vol. 1: Iss. 1, Article 6.

AZ Rev Stat § 42-5043 (2019)

Bart, M., Belay, M., & Seneshaw, T. (2020). Emerging Medium-Scale Tenant Farming, Gig Economies, and the COVID-19 Disruption: The Case of Commercial Vegetable Clusters in Ethiopia. *The European Journal of Development Research*, 32(5), 1402-1429. <https://doi.org/10.1057/s41287-020-00315-7>

Bennouna, C., Giraudy, A., Moncada, E., Rios, E., Snyder, R., Testa, P. (2021). Pandemic Policymaking in Presidential Federations: Explaining Subnational Responses to Covid-19 in Brazil, Mexico, and the United States. Publius.

Blackham, A. (2018). 'We are All Entrepreneurs Now': Options and New Approaches for Adapting Equality Law for the 'Gig Economy'. *The International Journal of Comparative Labour Law and Industrial Relations*, 34(4), 413.

Boehmke, F. J., & Shipan, C. R. (2015). Oversight Capabilities in the States: Are Professionalized Legislatures Better at Getting What They Want? *State Politics & Policy Quarterly*, 15(3), 366-386. <https://doi.org/10.1177/1532440015593005>

Bowman, A., Kearney, R. C. (1988). Dimensions of State Government Capability. *The Western Political Quarterly*, 41(2), 341-362. <https://doi.org/10.2307/448542>

CA Bus & Prof Code § 22598 (2022)

Carrigan, C., & Coglianese, C. (2011). The Politics of Regulation: From New Institutionalism to New Governance. *Annual Review of Political Science*, 14(1), 107-129. <https://doi.org/10.1146/annurev.polisci.032408.171344>

Charnysh, V., Finkel, E., & Gehlbach, S. (2023). Historical Political Economy: Past, Present, and Future. *Annual Review of Political Science*, 26(1), 175–191.  
<https://doi.org/10.1146/annurev-polisci-051921-102440>

Chen, C., Heikkila, T., Weible, C. M., Yordy, J., Yi, H., Berardo, R., & Kagan, J. (2022). Policy composition and adoption duration: Capturing conflict in the legislative process. *Policy Studies Journal*, 50(2), 407-431.

Collier, Ruth, V. B. Dubal, and Christopher Carter. (2017). “Labor Platforms and Gig Work: The Failure to Regulate.” IRLE Working Paper.

Collier, R. B., Dubal, V. B., & Carter, C. L. (2018). Disrupting regulation, regulating disruption: The politics of Uber in the United States. *Perspectives on Politics*, 16(4), 919-937.

Crone, T. (1999). Using state indexes to define economic regions in the US. *Journal of Economic and Social Measurement*, 25(1998/1999) 259-275

C.R.S. § 8-4-124

CT Gen Stat § 12-408g (2020)

Culpepper, P. D., & Thelen, K. (2020). Are we all Amazon primed? Consumers and the politics of platform power. *Comparative Political Studies*, 53(2), 288-318.

D'Anthonay, E., Maurer, L., Mirabella, A., Murdoch, G., Poras, G., Rogel, D., & Smale, A. (2021). Policy Note: Taxation of Workers in the Gig Economy: A European Perspective. *Intertax*, 49(1), 71.

Davies, Ronald B.; Vadlamannati, Krishna Chaitanya (2011) : A race to the bottom in labour standards? An empirical investigation, UCD Centre for Economic Research Working Paper Series, No. WP11/23, University College Dublin, UCD School of Economics, Dublin

Dubal, V. B. (2017). “The Drive to Precarity: A Political History of Work, Regulation, and Labor Advocacy in San Francisco’s Taxi and Uber Economies.” *Berkeley Journal of Employment and Labor Law* 38: 73–135.

Fair Food and Retail Delivery Act, 815 ILCS 338/1 (2022)

Farhang, S. (2008). Public regulation and private lawsuits in the American separation of powers system. *American Journal of Political Science*, 52(4), 821-839.

Food Delivery Platforms, Iowa Code § 137G.2 (2023)

Fortunato, D., & Turner, I. R. (2018). Legislative capacity and credit risk. *American Journal of Political Science*, 62(3), 623-636.

Frenken, K., Arnoud, v. W., Pelzer, P., Smink, M., & Rinie, v. E. (2020). Safeguarding Public Interests in the Platform Economy. *Policy and Internet*, 12(3), 400-425. <https://doi.org/10.1002/poi3.217>

Fukuyama, F. (2016). Governance: What Do We Know, and How Do We Know It? *Annual Review of Political Science*, 19(1), 89–105. <https://doi.org/10.1146/annurev-polisci-042214-044240>

Gallego, A., & Kurer, T. (2022). Automation, Digitalization, and Artificial Intelligence in the Workplace: Implications for Political Behavior. *Annual Review of Political Science*, 25(1), 463–484. <https://doi.org/10.1146/annurev-polisci-051120-104535>

Hart, D. M. (2004). “BUSINESS” IS NOT AN INTEREST GROUP: On the Study of Companies in American National Politics. *Annual Review of Political Science*, 7(1), 47–69. <https://doi.org/10.1146/annurev.polisci.7.090803.161829>

HI Rev Stat § 237-4.5 (2022)

Holmberg, S., Rothstein, B., & Nasiritousi, N. (2009). Quality of Government: What You Get. *Annual Review of Political Science*, 12(1), 135–161. <https://doi.org/10.1146/annurev-polisci-100608-104510>

Huber, J. D., & Shipan, C. R. (2002). *Deliberate discretion?: The institutional foundations of bureaucratic autonomy*. Cambridge University Press.

IN Code § 22-1-6-3 (2021)

Johnson, C. M., & Meier, K. J. (1990). The Wages of Sin: Taxing America’s Legal Vices. *The Western Political Quarterly*, 43(3), 577–595. <https://doi.org/10.2307/448705>

Keefer, P. (2004). WHAT DOES POLITICAL ECONOMY TELL US ABOUT ECONOMIC DEVELOPMENT—AND VICE VERSA? *Annual Review of Political Science*, 7(1), 247–272. <https://doi.org/10.1146/annurev.polisci.7.012003.104846>

Konisky, D. M. (2009). Assessing U.S. State Susceptibility to Environmental Regulatory Competition. *State Politics & Policy Quarterly*, 9(4), 404-428,486. <https://doi.org/10.1177/153244000900900402>

Konisky, D. M., & Teodoro, M. P. (2016). When governments regulate governments. *American Journal of Political Science*, 60(3), 559-574.

Kousser, T. (2006). The Limited Impact of Term Limits: Contingent Effects on the Complexity and Breadth of Laws. *State Politics & Policy Quarterly*, 6(4), 410–429. <https://doi-org.libproxy.temple.edu/10.1177/153244000600600403>



Koutsimpogiorgos, N., Jaap, v. S., Herrmann, A. M., & Frenken, K. (2020). Conceptualizing the Gig Economy and Its Regulatory Problems. *Policy and Internet*, 12(4), 525-545. <https://doi.org/10.1002/poi3.237>

KS Stat § 79-5602 (2022)

KY Rev Stat § 139.450 (2020)

LA Rev Stat § 51:3171 (2021)

Leonardi, E., & Pirina, G. (2020). Uber in the Portuguese gig economy: a laboratory for platform capitalism. *Work Organisation, Labour & Globalisation*, 14(2), 46-63.

Liddle, A. J. (2020), "An early look at the impact of coronavirus on restaurant sales", in News, N. s. R. (Ed. *Nation's Restaurant News*, Nation's Restaurant News. <https://www.nrn.com/fast-casual/early-look-impact-coronavirus-restaurant-sales>

Lindblom, C. E. (1982). The market as prison. *The Journal of Politics*, 44(2), 324-336.

Lowi, T. J. (1964). American business, public policy, case-studies, and political theory. *World politics*, 16(4), 677-715.

MA Gen L ch 64h § 34 (2021)

Mallinson, D. J. (2021). Policy innovation adoption across the diffusion life course. *Policy Studies Journal*, 49(2), 335-358.

Malos, S., Gretchen, V. L., & Virick, M. (2018). Uber Drivers and Employment Status in the Gig Economy: Should Corporate Social Responsibility Tip the Scales? *Employee Responsibilities and Rights Journal*, 30(4), 239-251. <https://doi.org/10.1007/s10672-018-9325-9>

McCloskey, D. N. (2011). The Rhetoric of the Economy and the Polity. *Annual Review of Political Science*, 14(1), 181–199. <https://doi.org/10.1146/annurev-polisci-041309-110519>

McGrath, R. J. (2013). Legislatures, courts, and statutory control of the bureaucracy across the US states. *State Politics & Policy Quarterly*, 13(3), 373-397.

MD. Tax - General Code Ann. § 11-403.1 (2021)

MI Comp L § 445.9031 (2020)

MN Stat § 297A.66 (2022)

MO Rev Stat § 196.276 (2022)

NC Gen Stat § 105-164.4J (2019)

N.D. Cent. Code § 57-39.2-02.1

NE Code § 81-2,271 (2017)

NH Rev Stat § 359-S:1 (2021)

NJ Rev Stat § 54:32B-3.6 (2022)

NV Rev Stat § 372.748 (2021)

NV Rev Stat § 597.7625 (2022)

NV Rev Stat § 597.7626 (2022)

NV Rev Stat § 597.7627 (2022)

NV Rev Stat § 597.7628 (2022)

NV Rev Stat § 597.7635 (2022)

NV Rev Stat § 597.7636 (2022)

NV Rev Stat § 597.7637 (2022)

NV Rev Stat § 597.7638 (2022)

NV Rev Stat § 597.7639 (2022)

NV Rev Stat § 597.764 (2022)

NV Rev Stat § 597.7641 (2022)

NV Rev Stat § 597.7642 (2022)

NY Gen Bus L § 391-V (2022)

O.C.G.A. § 10-1-439.18

Ohio Governor's Office. (2021, June 17). COVID-19 Update: State of Emergency to Be Lifted, Vax-a-Million Winners. Retrieved from <https://governor.ohio.gov/media/news-and-media/covid19-update-state-of-emergency-to-be-lifted-vaxamillion-winners-06172021>

Ohio Rev Code § 5741.07 (2022)

Ohio Rev Code § 5741.071 (2022)

Ohio Rev Code § 5741.15 (2022)

Ohio Rev Code § 5741.99 (2022)

Opheim, Cynthia. 1991. Explaining the differences in state lobbying regulation. *Western Political Quarterly* 44:405-21.

OR Rev Stat § 624.145 (2021)

Orr, W., Henne, K., Lee, A., Harb, J. I., & Franz, C. A. (2023). Necrocapitalism in the Gig Economy: The Case of Platform Food Couriers in Australia. *Antipode*, 55(1), 200-221. <https://doi.org/10.1111/anti.12877>

Ostoj, I. (2021). The Structure Of Gig Workers In The Global Online Gig Economy By Country Of Origin And Its Institutional Foundations. *Ekonomia i Prawo*, 20(2), 337-351. <https://doi.org/10.12775/EiP.2021.020>

Pacheco, J. (2017). Free-Riders or Competitive Races? Strategic Interaction across the American States on Tobacco Policy Making. *State Politics & Policy Quarterly*, 17(3), 299-318. <https://doi.org/10.1177/1532440017705150>

Potoski, M. (2002). Designing bureaucratic responsiveness: Administrative procedures and agency choice in state environmental policy. *State Politics & Policy Quarterly*, 2(1), 1-23. <https://doi.org/10.1177/153244000200200101>

Prakash, A., & Potoski, M. (2006). Racing to the Bottom? Trade, Environmental Governance, and ISO 14001. *American Journal of Political Science*, 50(2), 350-364.

Public First. (2023). Delivering the Goods: The Impact of Doordash in the United States. Doordash Inc. [Delivering the Goods](#)

R.I. Gen. Laws § 6-58-2

R.I. Gen. Laws § 6-58-3

R.I. Gen. Laws § 6-58-4

R.I. Gen. Laws § 6-58-5

R.I. Gen. Laws § 6-58-6

R.I. Gen. Laws § 44-18.2-3

Rodden, J. (2010). The Geographic Distribution of Political Preferences. *Annual Review of Political Science*, 13(1), 321–340. <https://doi.org/10.1146/annurev.polisci.12.031607.092945>

Russell, N. (2021, May 17). *Are Doordash, uber eats, and grubhub hurting restaurants? chef Andrew Gruel says yes*. Washington Examiner. <https://www.washingtonexaminer.com/opinion/are-doordash-uber-eats-and-grubhub-hurting-restaurants-chef-andrew-gruel-says-yes>

Sales and Use, Ala. Stat. § 40 (2018)

Scharff, E. A. (2011). Taxes as regulatory tools: an argument for expanding New York city's taxing authority. *NYUL Rev.*, 86, 1556.

SD Codified L § 10-65-5 (2022)

SD Codified L § 10-65-6 (2022)

SD Codified L § 10-65-7 (2022)

SD Codified L § 10-65-8 (2022)

Shipan, C. R. (2004). Regulatory regimes, agency actions, and the conditional nature of congressional influence. *American Political Science Review*, 98(3), 467-480.

Shipan, C. R., & Volden, C. (2008). The mechanisms of policy diffusion. *American journal of political science*, 52(4), 840-857.

Sigelman, L., & Smith, R. E. (1980). Consumer Legislation in the American States: An Attempt at Explanation. *Social Science Quarterly*, 61(1), 58. <http://libproxy.temple.edu/login?url=https://www.proquest.com/scholarly-journals/consumer-legislation-american-states-attempt-at/docview/1291641437/se-2>

68 O.S. § 1392 (OSCN 2023), FY 18 Budget Amendments Act

Smith, D. A. (2001). Homeward bound?: Micro-level legislative responsiveness to ballot initiatives. *State Politics & Policy Quarterly*, 1(1), 50-61.

Squire, P. (2008). Measuring the Professionalization of U.S. State Courts of Last Resort. *State Politics & Policy Quarterly*, 8(3), 223-238. doi:10.1177/153244000800800301

Squire, P. (2017). A Squire Index Update. *State Politics & Policy Quarterly*, 17(4), 361-371. doi:10.1177/1532440017713314

Squire, P., & Butcher, J. (2021). An Update to the Squire State Court of Last Resort Professionalization Index. *State Politics & Policy Quarterly*, 21(3), 326-333. doi:10.1017/spq.2020.7

Stigler, G. J. (2021). The theory of economic regulation. In *The Political Economy: Readings in the Politics and Economics of American Public Policy* (pp. 67-81). Routledge.

Stewart, A., & Stanford, J. (2017). Regulating work in the gig economy: What are the options? *The Economic and Labour Relations Review*, 28(3), 420–437. <https://doi-org.libproxy.temple.edu/10.1177/1035304617722461>

Taylor, J. K., Lewis, D. C., Jacobsmeier, M. L., & DiSarro, B. (2012). Content and Complexity in Policy Reinvention and Diffusion: Gay and Transgender-Inclusive Laws against Discrimination. *State Politics & Policy Quarterly*, 12(1), 75-98. <https://doi.org/10.1177/1532440011433589>

Tenn. Code Ann. § 57-3-224

Tenn. Code Ann. § 67-6-515

Teske, Paul. *Regulation in the States*, Brookings Institution Press, 2004. *ProQuest Ebook Central*, <https://ebookcentral.proquest.com/lib/templeuniv-ebooks/detail.action?docID=3004420>.

Thelen, K. (2018). Regulating Uber: The Politics of the Platform Economy in Europe and the United States. *Perspectives on Politics*, 16(4), 938-953. doi:10.1017/S1537592718001081

36 ME Rev Stat § 1951-C (2021)

32 V.S.A. § 9713

3 NM Admin Code 3.1.4.13

TX Bus & Com Code § 114.0002 (2022)

TX Bus & Com Code § 114.0003 (2022)

TX Bus & Com Code § 114.0004 (2022)

TX Bus & Com Code § 114.0005 (2022)

UT Code § 59-12-107 (2022)

Vaclavik, M. C., Oltramari, A. P., & De Oliveira, S. R. (2022). Managing the informal economy: a theoretical debate in the light of gig economy. [Empresa ríia i ido a informalidade: um debate teórico ã luz da gig economy Gestión de la informalidad: un debate teórico a la luz de la gig economy] *Cadernos EBAPE.BR*, 20(2), 247-258. <https://doi.org/10.1590/1679-395120210065X>

VA Code § 59.1-587 (2022)

VA Code § 59.1-588 (2022)

Vedant, C., & Shireshi, S. S. (2022). Analysing the Gig Economy in India and Exploring Various Effective Regulatory Methods to Improve the Plight of the Workers. *Journal of Asian and African Studies*, 57(7), 1343-1356. <https://doi.org/10.1177/00219096221082581>

Vogel, David. *The Politics of Precaution: Regulating Health, Safety, and Environmental Risks in Europe and the United States*. Princeton University Press, 2012.  
<http://www.jstor.org/stable/j.ctt7swrp>.

Walker, Jack L. 1969. "The Diffusion of Innovations among the American States." *American Political Science Review* 63 (3): 880–99.

Wilson, J. Q. (1980). The politics of regulation. In *The political economy: Readings in the politics and economics of American public policy* (pp. 82-103). Routledge.

WI Stat § 77.523 (2022)

Witko, C. (2007). Explaining Increases in the Stringency of State Campaign Finance Regulation, 1993–2002. *State Politics & Policy Quarterly*, 7(4), 369–393.  
<https://doi-org.libproxy.temple.edu/10.1177/153244000700700402>

Woods, N. D. (2006). Interstate Competition and Environmental Regulation: A Test of the Race-to-the-Bottom Thesis. *Social Science Quarterly*, 87(1), 174-189.  
<http://libproxy.temple.edu/login?url=https://www.proquest.com/scholarly-journals/interstate-competition-environmental-regulation/docview/56558430/se-2>

Wyo. Stat. § 39-15-502

Yackee, S. W. (2019). The Politics of Rulemaking in the United States. *Annual Review of Political Science*, 22(1), 37–55. <https://doi.org/10.1146/annurev-polisci-050817-092302>

Zödi, Z., & Török, B. (2021). Constitutional Values in the Gig-Economy? Why Labor Law Fails at Platform Work, and What Can We Do about It?. *Societies*, 11(3), 86.