

**HB0895/373020/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 895  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “**Consumer**” in line 4 down through “**Data**” in line 5 and substitute:

**“Food Retailers and Third-Party Delivery Service Providers – Dynamic Pricing and Personal Data”;**

in lines 7 and 10, in each instance, strike “food”; strike beginning with “prohibiting” in line 15 down through “statement;” in line 18; in line 18, after “making” insert “a”; and in the same line, strike “violations” and substitute “violation”.

On page 2, strike beginning with “consumer” in line 2 down through “data” in line 3 and substitute “the regulation of food retailers and third-party delivery service providers”; and in line 6, strike “and 13-322”.

AMENDMENT NO. 2

On page 3, before line 1, insert:

**“(2) “CONSENT” HAS THE MEANING STATED IN § 14-4701 OF THIS ARTICLE.”;**

in lines 1 and 32, strike “**(2)**” and “**(3)**”, respectively, and substitute “**(3)**” and “**(4)**”, respectively; in line 1, after “**THE**” insert “**DISCRIMINATORY**”; strike beginning with “**VARYING**” in line 2 down through “**FACTORS**” in line 3 and substitute “**OFFERING OR SETTING A PERSONALIZED PRICE FOR A GOOD OR SERVICE THAT IS SPECIFIC TO A CONSUMER BASED ON THE CONSUMER’S PERSONAL DATA, REGARDLESS OF**”

WHETHER THE SELLER COLLECTED OR PURCHASED THE PERSONAL DATA"; strike in their entirety lines 14 through 27, inclusive, and substitute:

“3. A DIFFERENCE IN PRICE BASED ON COSTS OR DIFFERENCES IN SUPPLY OR DEMAND ASSOCIATED WITH PROVIDING OR SELLING A GOOD OR SERVICE IN DIFFERENT LOCATIONS OR GEOGRAPHIES;

4. A DIFFERENCE IN PRICE BASED ON COSTS ASSOCIATED WITH THE AVAILABILITY OR SUPPLY OF THE GOOD OR SERVICE;

5. A PRICE OFFERED TO A CONSUMER THROUGH A LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM IN WHICH ANY CONSUMER MAY VOLUNTARILY ENROLL OR CONSENT TO PARTICIPATE;

6. A PRICE OFFERED TO A CONSUMER IN CONNECTION WITH A SUBSCRIPTION-BASED CONTRACT OR AGREEMENT;

7. A PRICE OFFERED TO A CONSUMER WHO CONSENTS TO PROVIDING PERSONAL DATA OR OTHER INFORMATION IN EXCHANGE FOR OBTAINING THE PRICE;”;

and in lines 28 and 30, strike “4.” and “5.”, respectively, and substitute “8.” and “9.”, respectively.

On page 4, in line 4, strike “(4)” and substitute “(5)”; in lines 12, 16, 18, and 22, in each instance, strike “FOOD”; in line 12, strike “(5)” and substitute “(6)”  
“PROTECTED CLASS DATA” MEANS INFORMATION ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS THAT, ALONE OR IN COMBINATION, DIRECTLY OR BY IMPLICATION IDENTIFIES A CHARACTERISTIC THAT IS LEGALLY PROTECTED

FROM DISCRIMINATION UNDER THE LAWS OF THE STATE OR UNDER FEDERAL LAW.

(7)”;

in line 13, strike “PROVIDES” and substitute “FACILITATES”; in line 19, strike “ENGAGE” and substitute “:

(1) ENGAGE”;

in the same line, after “PRICING” insert “TO SET A HIGHER PRICE FOR FOOD THAT IS EXEMPT FROM THE SALE AND USE TAX IN ACCORDANCE WITH § 11-206(C) OF THE TAX – GENERAL ARTICLE FOR A SPECIFIC CONSUMER;”; in the same line, strike “USE” and substitute:

“(2) USE”;

in line 20, after “A” insert “HIGHER”; and in the same line, strike “CONSUMER GOODS OR SERVICES” and substitute “FOOD THAT IS EXEMPT FROM THE SALE AND USE TAX UNDER § 11-206(C) OF THE TAX – GENERAL ARTICLE”; in line 21, strike “OR A GROUP OF CONSUMERS”.

On page 5, after line 2, insert:

“(E) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE A PRIVATE RIGHT OF ACTION UNDER THIS SECTION OR ANY OTHER LAW.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 3 on page 5 through line 18 on page 6, inclusive.

(Over)

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On page 6, strike beginning with "OR" in line 20 down through "13-322" in line 21.

On page 7, strike beginning with "OR" in line 2 down through "13-322" in line 3.