

# HOUSE BILL 895

I3, K3

EMERGENCY BILL

6lr0332

CF SB 387

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By: The Speaker (By Request – Administration) and Delegates Acevero, Allen, Amprey, Behler, Bhandari, Boafo, Coley, Ebersole, Edelson, Fennell, Foley, Forbes, Griffith, Guyton, Harrison, Hill, Hornberger, Ivey, D. Jones, Kaufman, Kerr, Lewis, Mireku-North, Moon, Moreno, Palakovich Carr, Pasteur, Patterson, Phillips, Pruski, Roberts, Ruff, Simmons, Simpson, Solomon, Spiegel, Stewart, Taveras, Toles, Tomlinson, Turner, Vogel, Watson, White Holland, Wims, Woods, and Ziegler

Introduced and read first time: February 4, 2026

Assigned to: Economic Matters

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## A BILL ENTITLED

- 1 AN ACT concerning
- 2 **Food Retailers – Dynamic Pricing, Surveillance Data, and Collective Bargaining**
- 3 **Agreements**
- 4 **(Protection From Predatory Pricing Act)**
- 5 FOR the purpose of prohibiting a food retailer from engaging in the practice of dynamic
- 6 pricing or using consumer surveillance data to set a price for consumer goods or
- 7 services; prohibiting a food retailer from using protected class data to offer,
- 8 advertise, or sell a consumer good or service under certain circumstances; prohibiting
- 9 a food retailer from diminishing or impairing any right or benefit guaranteed to
- 10 employees of the food retailer under an existing collective bargaining agreement or
- 11 memorandum of understanding under certain circumstances; making a certain
- 12 violation of this Act an unfair, abusive, or deceptive trade practice that is subject to
- 13 enforcement and penalties under the Maryland Consumer Protection Act; and
- 14 generally relating to the regulation of food retailers.
- 15 BY adding to
- 16 Article – Commercial Law
- 17 Section 13–321
- 18 Annotated Code of Maryland
- 19 (2025 Replacement Volume)
- 20 BY repealing and reenacting, with amendments,
- 21 Article – Commercial Law
- 22 Section 13–411
- 23 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2025 Replacement Volume)

2 BY adding to  
3 Article – Labor and Employment  
4 Section 4–406  
5 Annotated Code of Maryland  
6 (2025 Replacement Volume)

7 BY repealing and reenacting, without amendments,  
8 Article – Tax – General  
9 Section 11–206(c)  
10 Annotated Code of Maryland  
11 (2022 Replacement Volume and 2025 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Commercial Law**

15 **13–321.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (2) “ARTIFICIAL INTELLIGENCE” HAS THE MEANING STATED IN §  
19 3.5–801 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

20 (3) (I) “DYNAMIC PRICING” MEANS THE PRACTICE OF VARYING  
21 THE PRICES OF CONSUMER GOODS OR SERVICES WITHIN A BUSINESS DAY BASED ON  
22 DEMAND OR OTHER FACTORS, INCLUDING THROUGH THE USE OF ARTIFICIAL  
23 INTELLIGENCE OR MODELS THAT RETRAIN OR RECALIBRATE BASED ON RECEIVED  
24 INFORMATION IN NEAR REAL–TIME.

25 (II) “DYNAMIC PRICING” DOES NOT INCLUDE THE USE OF  
26 PROMOTIONAL PRICING OFFERS, LOYALTY PROGRAM BENEFITS, OR OTHER  
27 TEMPORARY DISCOUNTS OR CHANGES TO PRICING RELATED TO RETENTION OF  
28 EXISTING CUSTOMERS.

29 (4) “FOOD RETAILER” MEANS A MERCHANT THAT OPERATES A  
30 BUSINESS ESTABLISHMENT THAT:

31 (I) HAS A MINIMUM OF 15,000 SQUARE FEET; AND

32 (II) SELLS FOOD THAT IS EXEMPT FROM THE SALES AND USE  
33 TAX IN ACCORDANCE WITH § 11–206(C) OF THE TAX – GENERAL ARTICLE.

8 (B) A FOOD RETAILER MAY NOT ENGAGE IN DYNAMIC PRICING OR USE  
9 SURVEILLANCE DATA TO SET A PRICE FOR CONSUMER GOODS OR SERVICES FOR A  
10 SINGLE CONSUMER OR A GROUP OF CONSUMERS.

11 (C) A FOOD RETAILER MAY NOT USE PROTECTED CLASS DATA TO OFFER,  
12 ADVERTISE, OR SELL A CONSUMER GOOD OR SERVICE TO A CONSUMER FOR WHOM  
13 THE PROTECTED CLASS DATA PERTAINS IF THE USE OF THE PROTECTED CLASS  
14 DATA HAS THE EFFECT OF WITHHOLDING OR DENYING FROM THE CONSUMER AN  
15 ACCOMMODATION, AN ADVANTAGE, OR A PRIVILEGE ACCORDED TO OTHERS.

16 13-411.

17 (A) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 13-321 OF THIS  
18 TITLE.

19       **(a) (B)** Except as provided in subsection **(b) (C)** of this section, any person  
20 who violates any provision of this title is guilty of a misdemeanor and, unless another  
21 criminal penalty is specifically provided elsewhere, on conviction is subject to a fine not  
22 exceeding \$1,000 or imprisonment not exceeding one year or both, in addition to any civil  
23 penalties.

24 [b] (c) A person may not be imprisoned for violation of any provision of an  
25 order of the Attorney General or an agreement of a party relating to unit pricing under  
26 Title 14, Subtitle 1 of this article.

## Article – Labor and Employment

28 4-406.

29 (A) IN THIS SECTION, "FOOD RETAILER" HAS THE MEANING STATED IN §  
30 13-321 OF THE COMMERCIAL LAW ARTICLE.

1 AN EXISTING COLLECTIVE BARGAINING AGREEMENT OR MEMORANDUM OF  
2 UNDERSTANDING UNLESS THE CHANGE IS NEGOTIATED AND MUTUALLY AGREED ON  
3 WITH THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES.

4 (C) A PERSON MAY BRING AN ACTION TO RECOVER FOR INJURY OR LOSS  
5 SUSTAINED AS A RESULT OF A VIOLATION OF THIS SECTION.

6 (D) A PERSON WHO BRINGS AN ACTION TO RECOVER FOR INJURY OR LOSS  
7 UNDER THIS SECTION AND WHO IS AWARDED DAMAGES MAY ALSO SEEK, AND THE  
8 COURT MAY AWARD, REASONABLE ATTORNEY'S FEES.

9 (E) IF IT APPEARS TO THE SATISFACTION OF THE COURT, AT ANY TIME,  
10 THAT AN ACTION IS BROUGHT IN BAD FAITH OR IS OF A FRIVOLOUS NATURE, THE  
11 COURT MAY ORDER THE OFFENDING PARTY TO PAY TO THE OTHER PARTY  
12 REASONABLE ATTORNEY'S FEES.

### 13 Article – Tax – General

14 11–206.

15 (c) (1) Except as provided in paragraph (2) of this subsection, the sales and  
16 use tax does not apply to a sale of food for consumption off the premises by a food vendor  
17 who operates a substantial grocery or market business at the same location where the food  
18 is sold.

19 (2) The exemption under paragraph (1) of this subsection does not apply to:

20 (i) food that the vendor serves for consumption on the premises of  
21 the buyer or of a third party; or

22 (ii) food for immediate consumption.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
24 measure, is necessary for the immediate preservation of the public health or safety, has  
25 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
26 each of the two Houses of the General Assembly, and shall take effect from the date it is  
27 enacted.