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## MARYLAND DEPARTMENT OF LABOR TESTIMONY ON HOUSE BILL 148

**TO:** House Economic Matters Committee Members  
**FROM:** Maryland Department of Labor (MD Labor), Division of Labor & Industry  
**DATE:** February 6, 2026  
**BILL:** Consumer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition (H.B. 148)

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### **MDL POSITION:** INFORMATIONAL

This letter of information applies only to the wage-setting provisions outlined within this bill as that section falls within purview of the Division of Labor and Industry (DLI), under the Maryland Department of Labor.

As written, this bill presents some practical challenges and will require a material investment in personnel and training.

HB 148 grants the Commissioner of Labor and Industry the authority to investigate potential surveillance-based wage-setting violations upon receiving a written complaint from an employee. However, DLI would need to develop a new investigative process, including protocols to identify, request, and obtain information from employers, and applying definitions (such as “automated decision system” and “surveillance data”) to analyze that information that are both complex and new to wage and hour enforcement. Importantly, DLI does not currently have access to information related to which surveillance-based programs a company might be using or how they are using them, and employers are not required (to our knowledge) to track, disclose, or maintain records of their use of such programs. Comparatively, a bill in California (SB 238: Workplace Surveillance Tools) proposed a requirement for private and public employers to submit an annual notice to the Department of Industrial Relations detailing all workplace surveillance tools in use, including the tool’s name, creator, technological capabilities, and the data being collected.

In addition, the bill provides that if a violation is found, the Commissioner must attempt to resolve it through mediation or request that the Attorney General bring a legal action on behalf of the applicant or employee. The bill does not give the Commissioner authority to issue citations for violations, nor does it provide an administrative enforcement mechanism, or define any penalty amounts or structure. Potential uncertainties around these important aspects of the law would make consistent, effective enforcement a challenge.

The Department respectfully requests the Committee consider this information on HB 148.

For questions, please contact Andrew Fulginiti, at [Andrew.Fulginiti@maryland.gov](mailto:Andrew.Fulginiti@maryland.gov).