



March 31, 2026

The Honorable Kriselda Valderrama
Chair
House Committee on Economic Matters
Taylor House Office Building, Room 230
6 Bladen Street
Annapolis, MD 21401-1912

RE: Oppose SB 387 - “Food Retailers – Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements”

Dear Chair Valderrama and members of the committee:

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advances, I respectfully **urge an unfavorable report on SB 387.**

Chamber of Progress testified against the original version of this bill before the Senate Finance Committee in February, raising concerns that its broad definitions would eliminate the personalized discounts, coupons, and loyalty rewards that Maryland families rely on to manage their grocery budgets. We appreciate that Senate Finance engaged constructively with stakeholders and adopted amendments that meaningfully narrowed the bill.

The amended version replaces the original's sweeping ban on intraday price variation with a narrower prohibition on personalized price *increases*, adds important exemptions for cost-based differences and supply-and-demand pricing, and replaces the vague "surveillance data" definition with the established "personal data" standard from Maryland's Online Data Privacy Act. These are real improvements, and we want to acknowledge them.

However, our fundamental concern remains: SB 387 addresses a speculative problem rather than a documented one, and risks backfiring on the families it aims to protect.

Despite widespread attention to "surveillance pricing," there is no conclusive evidence that Maryland food retailers are using personal data to charge individual shoppers

higher prices. What grocers overwhelmingly use consumer data for is the opposite: offering discounts, coupons, and targeted promotions that help families save money.

This makes economic sense. Grocery retail is an intensely competitive business. When shoppers can compare prices with a few taps on their phone, using personal data to charge a customer more is a losing strategy – a competitor will simply offer a better price and win the sale. The businesses that use consumer data most actively are the ones competing hardest for customers, and they compete by offering better deals, not higher prices.

These tools are not limited to large corporations. A recent survey found that 35% of small businesses already use some form of automated pricing tools, primarily to optimize promotions and discounts, and 94% of those report improved competitive positioning as a result.¹ These are tools that deliver real savings to consumers and drive the competition that keeps grocery prices in check. Even well-intentioned restrictions on how businesses use data to set prices risk undermining both, raising costs for families and reducing the competitive pressure that benefits them most.

If the General Assembly moves forward with a pricing bill this session, the Senate Finance version of SB 387 is a substantially better starting point than the cross-filed HB 895. The amendments reflect genuine engagement with stakeholders and produce a more targeted, workable bill. We urge Economic Matters to preserve those improvements rather than advance a broader alternative.

For these reasons, **we respectfully urge an unfavorable report on SB 387**, while recognizing the progress the Senate Finance Committee made in narrowing the bill. We welcome the opportunity to continue working with the committee on this issue.

Sincerely,



Drew Ambrogio
Policy Manager
Chamber of Progress

¹ Small Business & Entrepreneurship Council, "SBE Technology Use Survey," Mar. 2026, <https://sbecouncil.org/wp-content/uploads/2026/03/SBE-Technology-Use-Survey-March-2026-Final-2.pdf>