



Senate Bill 387

Date: March 31, 2026

Committee: Economic Matters

Position: Unfavorable

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

Senate Bill 387 (SB 387) prohibits food retailers and third-party food delivery service providers from using dynamic pricing or consumer data to set individualized prices for goods or services, and restricts the use of protected class data in offering, advertising, or selling products. The bill also establishes enforcement by classifying violations as unfair, abusive, or deceptive trade practices under Maryland law, subjecting businesses to associated penalties and oversight.

While the bill has been amended, significant concerns remain regarding its scope, clarity, and practical implementation. The prohibition on “dynamic pricing,” as defined, risks capturing common and pro-consumer pricing practices that businesses rely on to respond to supply and demand, manage inventory, and reduce waste. Although the bill includes several exceptions, the overall framework remains ambiguous, creating uncertainty around what constitutes permissible pricing behavior and exposing businesses to compliance challenges.

Additionally, the bill’s restrictions on the use of personal data to inform pricing decisions are broad and may be difficult for businesses to interpret and operationalize. These provisions could limit the ability of businesses to offer personalized discounts, loyalty benefits, and other consumer-facing programs that provide real value to customers. As drafted, the bill would also place Maryland businesses at a competitive disadvantage compared to those in other states that do not impose similar constraints.

Further, by making violations subject to the Maryland Consumer Protection Act, SB 387 significantly increases legal and financial exposure for businesses. Given the ambiguity in key definitions, including “dynamic pricing,” “personal data,” and “protected class data”, businesses may face heightened risk of enforcement actions despite good faith efforts to comply.

Lastly, we respectfully encourage the Committee to review the redline amendments we have submitted, which provide targeted clarifications and improvements to help ensure the bill is workable and does not unintentionally restrict legitimate business practices.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **SB 387**.