

Testimony of Michael DeLong in Support of HB 148–Consumer Protection and Labor and Employment--Surveillance-Based Price and Wage Setting-Prohibition

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Chair Valderrama, Vice Chair Charkoudian, members of the House Economic Matters Committee:

My name is Michael DeLong and I strongly urge you to support [HB 148](#)–Consumer Protection and Labor and Employment–Surveillance-Based Price Wage Setting–Prohibition. Sponsored by Delegate Joe Vogel, this bill will prohibit surveillance based price setting and wage setting, which significantly harms consumers, undermines their privacy, and contributes to lower wages.

I am a resident of Silver Spring and have been active in local advocacy and organizing for the past ten years, ever since I moved to Maryland. Until recently, I was the President of the Montgomery County Young Democrats and I am active in the Montgomery County Democratic Party, the District 18 Caucus, and the local Jewish community. In my day job, I work for a consumer protection nonprofit and so possess substantial expertise on these issues.

Surveillance pricing is a sneaky, underhanded way that unethical corporations overcharge and exploit consumers. Basically, the companies collect or obtain individualized, personal information about their customers and use that information to charge them higher prices based on their willingness to pay those prices. These unfair price hikes can happen for many different products, including airplane flights, Uber or Lyft rides, hotel rooms, insurance policies, and all kinds of online items.

This surveillance pricing is often touted as beneficial, but it is actually quite harmful to consumers. Often certain individuals end up paying more for the same products than what is advertised to people, which frequently violates state consumer protection laws. The higher prices are often discriminatory on the basis of protected characteristics such as race, ethnicity, and gender—meaning that people pay more just because they are men, women, or because of their demographics. Surveillance pricing techniques also rely on the mass collection, analysis, or sharing of data through big data brokers, who in turn often sell that data to other companies, or attempt to monetize it in order to nickel and dime people. Many customers don't realize that their personal information is vacuumed up by large corporations who then use it in a variety of irritating, invasive, or malevolent ways.

HB 148 cracks down on harmful surveillance pricing. First, it has a helpful definition of this practice, defining this price setting as the use of surveillance data in conjunction with an automated decision system to offer or inform customized prices for goods and services for specific people or groups of people in Maryland. Second, it prohibits surveillance based price setting across all goods and services, with exceptions for customized prices based on differences in cost to provide a good service to consumers, as well as certain discounts.

HB 148 then states that violations of this law, meaning surveillance pricing, are unfair trade practices and so subject to enforcement and penalties under the Maryland Consumer Protection Act, a powerful consumer protection law. The Maryland Commissioner of Financial Regulation will have the power to investigate violations when they receive written complaints for employees. This section gives the law teeth and puts corporations on notice that this kind of lawbreaking will not be tolerated.

Finally, the bill bans a harmful surveillance practice that is often overlooked, but which is especially injurious to workers: surveillance-based wage setting. In these situations, corporations collect people's personal data on a variety of issues, including their financial history, habits and behaviors, backgrounds, and personal associations. The companies then use this data to try to identify the lowest possible wages that workers will accept. As a result, people are often paid less, and they don't even know that this is happening!

Such wage suppression, at a time when so many costs are rising, is unjust and violates consumer privacy, and I appreciate that this proposal tries to stop it.

By banning surveillance pricing and wage setting, and giving the Maryland state government the power to penalize corporations that do this, HB 148 will help reduce costs for Marylanders and boost their earning power. I thank Delegate Vogel and his staff for their work on this problem and urge a favorable report on HB 148.

Please contact me at michaeldelong94@gmail.com with any questions.