



**Testimony to House Economic Matters Committee**  
**SB387 Food Retailers-Dynamic Pricing, Surveillance Data, and Collective Bargaining**  
**Agreements (Protection from Predatory Pricing Act)**  
**Position: FWA**

March 31, 2026

The Honorable Kris Valderrama, Chair  
House Economic Matters Committee  
Room 250, Taylor House Office Building  
Annapolis, Maryland 21401  
cc: Members, House Economic Matters

Chair Valderrama and Members of the Committee,

Economic Action Maryland Fund is here in strong support of SB387 and urges amend SB387 to conform to the House amendments .

SB387 addresses the rising costs of groceries by tackling one factor –dynamic pricing and use of personal data to set prices.

This is an important and timely issue. Each year, our Securing Older Adult Resources (SOAR), Tenant Advocacy, and Fair Housing programs serve nearly 2000 older adults and renters who struggle to make ends meet.

The high cost of groceries came up as a point of stress for them again and again. In a recent survey we conducted of more than 500 Marylanders, 73% said that skyrocketing food prices had the greatest impact on their economic security.

SB94, and its house crossfile HB895, address the use of personal data that has been used by retailers and third-party food delivery providers, to set individualized prices for the same bag of groceries.

These practices distort the marketplace and create an unfair marketplace where retailers exert enormous power to squeeze more profits from financially fragile households. Price stability is important for consumers' confidence and for managing budgets. If prices are fluctuating within a 24 hour time period, it is difficult for cash-strapped families to shop for the best deal, particularly if shoppers are not privy to why the price changed.

We appreciate the work of this committee in amending HB895. As amended, HB895 clarifies definitions and creates a framework for tackling these black-box pricing models that expands

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protections for consumers and their private data while still enabling retailers to provide discounts to shoppers under a variety of clear circumstances. The House amendments strike a carefully considered balance between consumer protection and market realities. In addition, HB895 adds important disclosures to raise individuals' awareness of when their personal data is being used to set a price. This transparency is a critical component of addressing the imperfect information consumers have when hidden black-box pricing models set prices. The disclosure is a good first step in correcting market distortions.

In contrast, as amended SB387 takes an overly broad approach to exceptions and to its definitions of these black-box pricing models. In its current posture, SB387 will provide little meaningful relief to households struggling to meet the rising costs of groceries and trying to shop for the best deals.

We support the goals of SB387 and urge the House to conform SB387 to match the amendments in HB895.

Best,

Marceline White  
Executive Director

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