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HB 148 - Consumer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition

House Economic Matters Committee

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SUPPORT with AMENDMENTS

Elizabeth Bobo

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Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of HB 148 with amendments.

Quakers pioneered the fixed-price system in the 19th century because they believed that all customers, regardless of their background, bargaining power, or value, should pay the same price for the same goods.

Surveillance based pricing undermines that foundational principle. Today, companies analyze an array of data points ranging from location and demographics, to browsing patterns, and shopping history. With that, they determine what they think a customer is willing to pay. Two people looking at the same product at the same moment can be steered towards different prices, not because of cost differences or discounts, but because an algorithm has profiled them to be different and thus gives them different prices.

This is discrimination by algorithm. It erodes consumer trust, exploits information, and creates a marketplace where customers are vulnerable to companies' predatory practices. HB 148 restores fairness by prohibiting this form of opaque pricing manipulation.

However, while we strongly support the substance of HB 148, we respectfully request an amendment to strengthen its protections: **the bill should include a ban on Electronic Shelf Labels (ESLs)**. Without a prohibition on ESLs, companies may implement surveillance-based pricing at scale. To protect both workers and consumers from predatory practices of surveillance pricing, HB 148 must close this loophole.

For these reasons, we urge a favorable report on HB 148 with these amendments.



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