



House Economic Matters Committee

February 10, 2026

House Bill 148 – *Consumer Protection and Labor and Employment – Surveillance-Based Price and Wage Setting – Prohibition*

OPPOSE

The Maryland Tech Council (MTC), with over 800 members, is the State’s largest association of technology companies. Our vision is to propel Maryland to be the country's number one innovation economy for life sciences and technology. MTC brings the State’s life sciences and technology communities into a single, united organization that empowers members to achieve their goals through advocacy, networking, and education. On behalf of MTC, we submit this letter of **opposition** for House Bill 148.

House Bill 148 seeks to prohibit certain “surveillance-based” price-setting in retail and “surveillance-based” wage-setting. The legislation aims to ban dynamic or data-driven pricing in grocery stores by designating it an unfair or deceptive trade practice under the Maryland Consumer Protection Act. The bill would bar retailers from using surveillance data or automated systems to set individualized prices.

Automated pricing systems benefit consumers by allowing retailers to respond more quickly and accurately to real-time market conditions. Automated tools help ensure prices reflect current costs and inventory levels, and allow retailers to present competitive offers to customers. This speed improves product availability, increases the likelihood that consumers see timely discounts on items that need to move, and reduces waste from overstock or spoilage. Automation also reduces human error and inconsistencies, leading to more predictable and stable pricing practices. These efficiencies translate into lower operating costs for retailers, affording them more resources to better support their staff and maintain their locations.

House Bill 148 contains several concepts that are broadly and vaguely defined, which could make longstanding and beneficial retail practices infeasible, rather than correcting only the narrow set of behaviors lawmakers intend to target. Terms like “surveillance-based price setting” and related definitions are insufficiently precise, and recent media attention to so-called “surge pricing,” “dynamic pricing,” and “surveillance pricing” has contributed to imprecise usage that conflates modern, technologically enabled price management with practices that have long been normative and transparent. Without clear guardrails, this bill risks restricting everyday consumer-friendly pricing strategies rather than genuinely predatory conduct. The bill, as drafted, provides no path for retailers to use ordinary consumer shopping information to offer curated promotions or discounts.

By failing to distinguish between genuinely abusive pricing schemes and beneficial data-informed marketing and inventory management practices, House Bill 148 threatens to limit beneficial interactions between retailers and consumers. Moreover, the lack of clarity around key terms could reduce investment in and use of technologies that improve price transparency and operational efficiency. For these reasons, MTC requests an unfavorable report on House Bill 148.

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