

Testimony for HB0148

Favorable with Amendments

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

February 6, 2026

To: Honorable Chair Valderamma, Vice Chair Charkoudian, and the members of the
House Economic Matters Committee

From: Kayla Mock, Political & Legislative Director

United Food and Commercial Workers Union Local 400

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

I appreciate the opportunity to share my testimony on behalf of our over 10,000 members in Maryland, who work in grocery, retail, food distribution, cannabis, and health care. Through collective bargaining, our members raise the workplace standards of wages, benefits, safety, and retirement for all workers. Union members are critical to addressing inequality and uplifting the middle class.

Many of our members are the hardworking men and women who keep Maryland's grocery stores running, ensuring families have access to fresh food and essential goods.

In the mid-19th century, the Quakers pioneered fixed price systems, transforming commerce. They believed that all customers, regardless of their wants, needs, perceived wealth, or bargaining skills, should pay the same price.

Surveillance pricing undermines this equity, allowing companies to analyze data points such as location, demographics, browsing patterns, shopping history, and even mouse movements to determine price sensitivity.

The goal is nefarious: to infer the maximum amount a specific customer is willing to pay, based on need, wants, demographics, or circumstances.

We appreciate the sponsor for bringing this bill forward to stop this predatory practice of surveillance pricing.

While we support HB0148, we believe it is **missing a critical piece** to be truly successful in banning surveillance pricing in brick-and-mortar stores – **the ban of electronic shelf labels**.

To protect customers and workers from the predatory and dangerous overreach of surveillance pricing, this bill must be amended to include a ban on Electronic Shelf Labels (ESLs). Using electronic shelf labels, companies can change the price of an item at the push of a button without any warning. Prices could spike during peak hours, when companies know the store will be crowded with customers looking to shop quickly. ESLs can change so fast that an item's price may change before a customer reaches the cash register. With ESLs there is no way for us to know when we are getting a deal or when the store is squeezing us for every dollar it thinks it can get.

Additionally, grocery store workers must be protected from the job displacement ESLs would put in place.

Grocery workers spend a significant amount of time changing shelf label prices in grocery stores. The widespread adoption of ESLs and surveillance pricing will result in lost hours and wages for these employees.

Workers will also be on the front line of customer frustration when customers have disputes or when there is confusion about prices for certain items.

In January 2025, outgoing Biden FTC chair Lina Khan released a study summarizing the use of ESLs and documenting price changes consumers faced based on unique characteristics.

“For something as basic as food, there should be clear pricing that is readily understood by everyone,” said Alvaro Bedoya, former FTC Commissioner. Unfortunately, President Donald Trump’s FTC chair, Andrew Ferguson, shelved the agency’s public inquiry days after Trump took office. This leaves states to fill the void and protect consumers and workers from the risks posed by ESLs.

ESLs will lead to job losses in the grocery sector and a predatory environment for consumers, at a time when prices are already unaffordable.

We urge this committee to recommend a favorable report on HB0148, with the inclusion of a ban on electronic shelf labels.