



February 9, 2026

Chair Kriselda Valderrama
House Economic Matters Committee
231 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Vice Chair Lorig Charkoudian
House Economic Matters Committee
231 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Delegate Joe Vogel
224 Lowe House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: Letter in Opposition to Maryland HB 148

Dear Chair Valderrama, Vice Chair Charkoudian, and Delegate Vogel:

On behalf of the advertising industry, we write to oppose Maryland HB 148.¹ We provide this letter to offer our non-exhaustive list of concerns about this bill. HB 148 would significantly limit Maryland consumers' access to discounts and special pricing by banning "surveillance-based price setting" and prohibiting "surveillance data" from being used in targeted advertising. Accordingly, we ask you to decline to advance the bill as drafted out of the House Economic Matters Committee ("Committee").

As the nation's leading advertising and marketing trade associations, we collectively represent thousands of companies across the country. These companies range from small businesses to household brands, advertising agencies, and technology providers. Our combined membership includes more than 2,000 companies that power the commercial Internet, which accounted for nearly 20 percent of total U.S. gross domestic product ("GDP") in 2024.² By one estimate, approximately 17.0% of Maryland jobs in 2024 were related to the ad-subsidized Internet, a share projected to increase to 18.5% by 2029.³ Our group has more than a decade's worth of hands-on experience it can bring to bear on matters related to consumer privacy and controls. We would welcome the opportunity to engage with the Committee further on the points we discuss in this letter.

¹ Maryland HB 148 (2026 Session), located [here](#) (hereinafter, "HB 148").

² S&P Global, THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY, 2024-2029 at 4 (Aug. 2025), located at https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf.

³ *Id.* at 15-16.

I. HB 148 would significantly limit discounts and special pricing offers that benefit Marylanders and the economy.

HB 148, unfortunately, would not preserve the value of discounts to Marylanders, resulting in higher prices for consumers. Under the bill, a business may not engage in “surveillance-based price setting” to customize the price of goods for a consumer or group of consumers.⁴ While HB 148 does provide exceptions for offers based on differences from the standard price charged to the consumer based solely on the price of providing the good or service to different consumers or that reflect a discount or reward offered to all consumers, the bill would still substantially limit personalized discounts and special pricing to consumers participating in loyalty programs.⁵ In practice, these restrictions, even with the limited exceptions, would likely prohibit consumer-friendly pricing practices that Marylanders encounter and value every day.

For example, when a business uses personal information (which is not a defined term in the bill but may include data such as IP addresses or browsing activity) to infer consumer preferences and offers a 20% discount pop-up during the consumer’s visit to the brand’s website, this is a legitimate and consumer-friendly use of data. Tailored discounts offered to specific consumers at the right time and in the right place reflect a business’ ability to understand its customer base and helps drive economic activity. By prohibiting such commonplace practices, HB 148 dismisses the role that data-driven pricing plays in delivering value to a broader set of consumers.

II. HB 148 would limit businesses’ ability to offer Maryland consumers special offers and promotions.

HB 148 would also prohibit “surveillance data” from being used in targeted advertising.⁶ The bill defines “surveillance data” broadly to include any data obtained through observation, inference, or “surveillance” of an individual relating to personal information of the individual or a group to which the individual belongs. This proposed restriction would conflict with the Maryland Online Data Privacy Act (“MODPA”), which allows businesses to use personal data for targeted advertising subject to a consumer opt-out right.⁷ HB 148’s proposed restriction is also overly broad and would impede commonplace business practices that enhance understanding of customer preferences, give consumers more choice in products and services, and give Maryland retailers the ability to predict sales and new offerings while growing their businesses. A ban on use of “surveillance data” for targeted advertising would make it unclear

⁴ HB 148 § 14-1330(D).

⁵ HB 148 § 14-1330(B).

⁶ HB 148 § 14-1330(C).

⁷ Md. Code Ann., Com. Law § 14-4705(b)(7)(i).



whether it would be permissible for a grocery retailer to use location and purchase history to provide a consumer, who regularly purchases fresh produce, a targeted offer to purchase surplus fruits nearing their sell-by date at a reduced discount. This type of targeted advertising delivers personalized discounts that lower prices for consumers, reduce food waste, and help retailers manage inventory more efficiently. Restricting data use as contemplated in HB 148 would harm consumers by reducing the ability for retailers to plan and serve their customers with confidence.

* * *

We respectfully ask the Committee not to advance HB 148, as its provisions would negatively affect both businesses and consumers alike and conflict with MODPA. Rather than strengthening consumer protections, the bill risks higher prices, reduced choice, and fewer opportunities for consumers to benefit from discounts and incentives.

Thank you in advance for your consideration of this letter.

Sincerely,

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CC: Members of the Maryland House Economic Matters Committee

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