

# **ATU 689\_HB 148-Surveillance Based Price and Wage S**

Uploaded by: Benjamin Lynn

Position: FAV

# Amalgamated Transit Union Local 689



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## Statement of the Amalgamated Transit Union (ATU) Local 689

HB148

February 10th, 2026

**TO: The Honorable Kriselda Valderrama and Members of the House Economic Matters Committee**

**FROM: Benjamin Lynn, ATU Local 689 Press and Communications Associate**

Chair Valderrama and Members of the House Economic Matters Committee: Thank you for the opportunity to provide testimony in support of House Bill 148. ATU Local 689 supports House Bill 148 and urges the committee to favorably report the bill which would curb the use of surveillance-based pricing and wage setting by app based transportation companies.

ATU Local 689 represents more than 15,000 transit workers and retirees throughout the Washington DC Metro Area performing many skilled transportation crafts for the Washington Metropolitan Area Transit Authority (WMATA), MetroAccess, DASH, and MTA Commuter Bus among others. Our union helped turn low-wage, exploitative transit jobs into transit careers. We became an engine for the middle-class of this region. The fundamental focus of our membership in their day-to-day responsibilities is to move people from Point A to Point B.

The current use of surveillance-based pricing is predatory, invasive, and because of the lack of strict regulations and oversight, potentially discriminatory. App based transportation companies such as Uber or Lyft also rely on surveillance-based wage setting which results in drivers earning less than their peers for doing the same work simply because of where they are performing work or different factors. Unions including Local 689 firmly believe in fair wages for a fair day's work, and the surveillance-based wages do not live up to that fundamental fairness. Gig-drivers are hardworking and dedicated workers who deserve fair compensation for their work. They deserve to have certainty and fairness – not an algorithm that fluctuates wages on any given day or hour.

ATU Local 689 appreciates the bill's sponsor, Delegate Vogel, for championing this bill to address an important issue that is harmful to consumers and workers. We urge the members of the House Economic Committee to favorably report House Bill 148.

# **HB 148 - Consumer Protection and Labor and Employm**

Uploaded by: Brian Wivell

Position: FAV

# Amalgamated Transit Union Local 1300

126 W. 25th Street, Baltimore, Maryland 21218  
Telephone: 410-889-3566 Facsimile: 410-243-5541  
www.atu1300.org

**Proudly representing the transit workers of the MTA!**



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

### **Favorable**

House Appropriations Committee  
February 10th, 2026

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

Surveillance based wage setting is used for only one purpose, to drive down wages for gig workers. It is not even used to deliver lower prices or better services to end users. It is just used to find the most maximally desperate worker who might still accept work for fear of never receiving work again. So called free markets operate under the assumption that rational actors can make decisions about prices with full information. Competition is supposed to lower prices over time until an equilibrium is reached. But this is impossible if every worker is paid the exact amount to match their desperation.

If a company is offering to pay some other guy double what they are willing to pay you and intimidates you into thinking you may never receive work again for declining insulting offers, you have no opportunity to fairly set a price. This whole argument even takes the misleading notion that gig workers “are independent contractors” capable of setting their own prices at face value. Wage and price discrimination are the definition of unfair, deceptive, and abusive business practices.

You may believe that your industry is exempt from these practices. Algorithmic approaches to markets have transformed nearly every industry they’ve been introduced to. It’s only a matter of time before they get to yours. We urge a favorable report on HB 148 and every other bill that curbs these practices.

# **HB 148 - Consumer Protection and Labor and Employm**

Uploaded by: Brian Wivell

Position: FAV

# Amalgamated Transit Union Local 1300

126 W. 25th Street, Baltimore, Maryland 21218  
Telephone: 410-889-3566 Facsimile: 410-243-5541  
www.atu1300.org

**Proudly representing the transit workers of the MTA!**



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

### **Favorable**

House Economic Matters Committee  
February 10th, 2026

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

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# **HB0148 – Consumer Protection and Labor and Employ**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR HB0148**  
**Consumer Protection and Labor and Employment – Surveillance-Based Price  
and Wage Setting – Prohibition**

**Bill Sponsor:** Delegate Vogel

**Committee:** House Economic Matters

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, Cochair

**Position:** FAVORABLE

Chair, Vice Chair, and Members of the Committee,

I am submitting this testimony in support of **HB0148** on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

HB0148 prohibits the use of surveillance-based price setting and surveillance-based wage setting, practices in which companies use detailed personal or behavioral data to set individualized prices or wages through automated decision-making systems. The bill also makes violations enforceable under the Maryland Consumer Protection Act and bars employers from using surveillance data to determine wages.

Even with just my undergraduate degree in economics, it's not hard to see these practices raise serious concerns for consumers, workers, and the overall functioning of a fair marketplace. Prices in a free market are traditionally shaped by supply and demand, not by individualized surveillance profiles. Allowing companies to set prices or wages based on personal data rather than market conditions risks creating barriers to entry for smaller suppliers who cannot compete with large firms' data-driven pricing systems. It is difficult to see how such practices would lead to lower average prices for consumers or higher wages for workers; if anything, they create opportunities for price discrimination and wage suppression rather than broad economic benefit.

HB0148 directly supports the mission of the Maryland Legislative Coalition. Our work is grounded in transparency, equity, and civic empowerment. This bill strengthens transparency in the marketplace, prevents discriminatory or exploitative pricing and wage practices, and protects Marylanders from corporate surveillance that undermines

fair economic participation. Ensuring that consumers and workers are treated equitably—and that powerful actors cannot use data to tilt the playing field—aligns squarely with our commitment to a fair, accountable, and democratic society.

For these reasons, we respectfully urge a **FAVORABLE** report on HB0148.



# **Vogel Testimony HB 148.pdf**

Uploaded by: Joe Vogel

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 148: AI Price Gouging And Wage Fixing Prohibition**  
Economic Matters Committee  
Tuesday, February 10th - 1:00 PM

Chair Valderrama, Vice Chair Charkoudian, and Members of the Economic Matters Committee:

Advances in artificial intelligence and machine learning have fueled the mass collection and commercialization of personal data. While these technologies can improve efficiency and convenience, Maryland’s current legal framework has not kept pace with their most harmful economic uses, particularly surveillance pricing, digital redlining, and algorithmic wage suppression.

HB 148 addresses a growing problem: the use of surveillance data and artificial intelligence to set individualized prices and wages. These systems rely on extensive personal and behavioral data to predict how much a consumer is willing or able to pay, and how little a worker is willing to be paid without leaving. This practice enables price gouging, market manipulation, and discrimination at scale, often without consumers or workers ever knowing it is happening.

A Consumer Watchdog investigation documented numerous examples of what it calls “surveillance pricing.” Target charged customers up to \$100 more for the same television based solely on their physical location.<sup>1</sup> The Princeton Review used zip-code–based pricing that resulted in higher prices for students in areas with larger Asian populations.<sup>2</sup> Amazon adjusts prices millions of times a day.<sup>3</sup> Google showed fewer ads for high-paying jobs to women.<sup>4</sup> Instacart has been found to charge different customers different prices for the same item.<sup>5</sup>

These practices are not transparent, not meaningfully disclosed, and not subject to meaningful oversight. While companies argue these tools improve efficiency, they also create new forms of digital collusion and discrimination that traditional consumer protection laws were never designed to address.

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<sup>1</sup> Kloczko, J. (2025, February 7). [New report details how companies use surveillance to charge different prices for the same item](#). *Consumer Watchdog*.

<sup>2</sup> “Asians Nearly Twice as Likely to Get Higher Price from Princeton Review.” *ProPublica*

<sup>3</sup> “Amazon Dynamic Pricing: How It Works & What Sellers Need to Know.” *Influencer Marketing Hub*

<sup>4</sup> “Asians Nearly Twice as Likely to Get Higher Price from Princeton Review.” *ProPublica*

<sup>5</sup> “Instacart is using AI Algorithms to Charge Customers Different Prices for the Same Items” *More Perfect Union*

**JOE VOGEL**  
*Legislative District 17*  
Montgomery County

Ways and Means Committee

*Subcommittees*

Education

Revenues



The Maryland House of Delegates  
6 Bladen Street, Room 224  
Annapolis, Maryland 21401  
410-841-3103 · 301-858-3103  
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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

The same logic is now being applied to wages. Surveillance-based wage fixing uses personal and demographic data unrelated to job performance—such as race, gender, financial stress, or employment history—to determine the lowest possible compensation a worker will accept. This risks entrenching existing inequities and disproportionately harms workers already vulnerable to wage theft, discrimination, and unsafe working conditions.

By prohibiting the use of artificial intelligence and surveillance data for price gouging and wage fixing, HB 148 modernizes Maryland’s consumer and labor protections for the digital economy. It draws a clear line: emerging technologies may be used to innovate, but not to exploit, discriminate, or undermine fair markets.

**I urge the Committee to give a favorable report on HB 0148.**

# **HB148 Wage, Labor Surveillance Pricing EconAction**

Uploaded by: Marceline White

Position: FAV



**HB148 Consumer Protection-Labor and Employment-Surveillance Price and Wage  
Setting-Prohibition  
Position: Favorable**

February 10, 2026

The Honorable Kris Valderrama, Chair  
Economic Matters Committee  
Room 230, House Office Building  
Annapolis, Maryland 21401  
cc: Members, House Economic Matters

Chair Valderrama and Members of the Committee:

Economic Action Maryland Fund is in strong support of HB148. HB148 is important legislation that promotes a competitive and transparent price and labor market by prohibiting the use of surveillance technologies to set prices and wages.

**Prices and Wages**

At Economic Action Maryland Fund our direct service programs served more than 1800 older adults and renters.

The high cost of groceries and other basic goods came up as a point of stress for them again and again. Maryland families work hard to care for their families. But this is becoming harder to do. Technology can be used to increase price transparency and competition but instead stores are collecting reams of personal data in order to charge people different prices for the same items. This predatory pricing model hits older adults hard as well as the 36% of Baltimore City households that do not have cars. These households are uniquely vulnerable to these black box pricing models because it is more difficult for them to shop around and compare prices.

**Technology and Wages**

As new technologies emerge, they hold the potential to both spur innovation as well as reinforce discrimination. Many companies are embracing the use of algorithms to assist in a number of ways including employment screening. However, a recent survey of 500 employers found that a number of industries including customer service, logistics, healthcare, and retail are using black box AI and algorithms to set compensation and calculate individual wages.

This flies in the face of the U.S. long embrace of meritocracy-if you work hard, you will be successful. Instead, with the use of these technologies, corporations can set individual wages

*Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.*



per hour. Inverting the idea of hard work leads to better wages, research has found that the longer hours individuals worked, the lower their pay<sup>1</sup>.

Predictive analytics may assess a worker's 'elasticity' for low pay; system errors such as penalizing drivers for others accidents or road work when the system was supposed to assess road conditions results in unfair errors that affected pay, and the black box nature of the data may impede organizing for better wages and working conditions, particularly for gig workers.

As low-wage and gig workers live from paycheck to paycheck, Maryland must ensure technologies help workers to thrive rather than depress wages and bonuses.

For these reasons, we urge your favorable report on HB148.

Best,

Marceline White  
Executive Director

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<https://equitablegrowth.org/how-artificial-intelligence-uncouples-hard-work-from-fair-wages-through-surveillance-pay-practices-and-how-to-fix-it/>

*Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.*

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Marceline White · [Marceline@EconAction.org](mailto:Marceline@EconAction.org) | Jennifer Bevan-Dangel · [Jennifer@EconAction.org](mailto:Jennifer@EconAction.org)

# **Testimony of Michael DeLong in Support of HB 148–C**

Uploaded by: Michael DeLong

Position: FAV

# **Testimony of Michael DeLong in Support of HB 148–Consumer Protection and Labor and Employment--Surveillance-Based Price and Wage Setting-Prohibition**

**February 6th, 2026**

Michael DeLong  
Silver Spring, MD 20910  
[michaeldelong94@gmail.com](mailto:michaeldelong94@gmail.com)

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

My name is Michael DeLong and I strongly urge you to support [HB 148](#)–Consumer Protection and Labor and Employment–Surveillance-Based Price Wage Setting–Prohibition. Sponsored by Delegate Joe Vogel, this bill will prohibit surveillance based price setting and wage setting, which significantly harms consumers, undermines their privacy, and contributes to lower wages.

I am a resident of Silver Spring and have been active in local advocacy and organizing for the past ten years, ever since I moved to Maryland. Until recently, I was the President of the Montgomery County Young Democrats and I am active in the Montgomery County Democratic Party, the District 18 Caucus, and the local Jewish community. In my day job, I work for a consumer protection nonprofit and so possess substantial expertise on these issues.

Surveillance pricing is a sneaky, underhanded way that unethical corporations overcharge and exploit consumers. Basically, the companies collect or obtain individualized, personal information about their customers and use that information to charge them higher prices based on their willingness to pay those prices. These unfair price hikes can happen for many different products, including airplane flights, Uber or Lyft rides, hotel rooms, insurance policies, and all kinds of online items.

This surveillance pricing is often touted as beneficial, but it is actually quite harmful to consumers. Often certain individuals end up paying more for the same products than what is advertised to people, which frequently violates state consumer protection laws. The higher prices are often discriminatory on the basis of protected characteristics such as race, ethnicity, and gender—meaning that people pay more just because they are men, women, or because of their demographics. Surveillance pricing techniques also rely on the mass collection, analysis, or sharing of data through big data brokers, who in turn often sell that data to other companies, or attempt to monetize it in order to nickel and dime people. Many customers don't realize that their personal information is vacuumed up by large corporations who then use it in a variety of irritating, invasive, or malevolent ways.

HB 148 cracks down on harmful surveillance pricing. First, it has a helpful definition of this practice, defining this price setting as the use of surveillance data in conjunction with an automated decision system to offer or inform customized prices for goods and services for specific people or groups of people in Maryland. Second, it prohibits surveillance based price setting across all goods and services, with exceptions for customized prices based on differences in cost to provide a good service to consumers, as well as certain discounts.

HB 148 then states that violations of this law, meaning surveillance pricing, are unfair trade practices and so subject to enforcement and penalties under the Maryland Consumer Protection Act, a powerful consumer protection law. The Maryland Commissioner of Financial Regulation will have the power to investigate violations when they receive written complaints for employees. This section gives the law teeth and puts corporations on notice that this kind of lawbreaking will not be tolerated.

Finally, the bill bans a harmful surveillance practice that is often overlooked, but which is especially injurious to workers: surveillance-based wage setting. In these situations, corporations collect people's personal data on a variety of issues, including their financial history, habits and behaviors, backgrounds, and personal associations. The companies then use this data to try to identify the lowest possible wages that workers will accept. As a result, people are often paid less, and they don't even know that this is happening!

Such wage suppression, at a time when so many costs are rising, is unjust and violates consumer privacy, and I appreciate that this proposal tries to stop it.

By banning surveillance pricing and wage setting, and giving the Maryland state government the power to penalize corporations that do this, HB 148 will help reduce costs for Marylanders and boost their earning power. I thank Delegate Vogel and his staff for their work on this problem and urge a favorable report on HB 148.

Please contact me at [michaeldelong94@gmail.com](mailto:michaeldelong94@gmail.com) with any questions.

# **HB 148 - SWASC - Surveillance Pricing - FAV.pdf**

Uploaded by: UM SWASC

Position: FAV

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## TESTIMONY IN SUPPORT OF HB 148

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

*House Economic Matters Committee*

February 10, 2026

**Social Work Advocates for Social Change strongly supports HB 148**, which will help protect working Marylanders by banning the use of artificial intelligence (AI) in surveillance-based price setting and in determining wages. The bill also empowers the Commissioner to investigate any violations of this ban.

Surveillance-based price setting is the business practice of collecting consumers' private, personal data – often without consent – to set the price offered. Dynamic pricing, like increasing hotel rates during travel season, is nothing new. However, **using AI to set prices and wages based on personal information is a dangerous escalation of dynamic pricing.**

**Price-setting using AI has resulted in economic discrimination - manipulating both the costs of services and workers' wages.** A study of Uber fares in Chicago revealed that non-white neighborhoods with higher levels of poverty were subject to higher fare prices.<sup>i</sup> Delivery drivers for Amazon experience variable wages according to fluctuations in delivery demand and hidden scorecards that AI uses to evaluate a driver's value. Both companies do business in Maryland, but neither shares the algorithms they use to inflate prices and deflate wages. There is no transparency.

**Surveillance-based pricing can also change the price of goods - including housing - to the disadvantage of Marylanders.** Artificial intelligence can increase the price of essential goods ranging from toilet paper to housing. In fact, the Antitrust Division of the US Department of Justice is currently pursuing a case against RealPage, whose collusion with landlords for the sake of increasing profits has driven up the cost of housing.<sup>ii</sup> At a time when fewer than 50% of Maryland households can afford a median-priced home, **we cannot afford surveillance-based pricing worsening Maryland's existing housing crisis.**<sup>iii</sup>

Artificial intelligence for surveillance-based pricing harms workers and consumers alike. Therefore, legislators must move to protect Marylanders from the threat of AI-powered discrimination and price-gouging. **Social Work Advocates for Social Change urges a favorable report on HB 148.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

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<sup>i</sup>On Algorithmic Wage Discrimination (2023), Veena Dubal. Available at: <https://www.columbialawreview.org/content/on-algorithmic-wage-discrimination/>

<sup>ii</sup>United States of America et al. v. RealPage, Inc. et al. Proposed Final Judgment and Competitive Impact Statement (2016), Federal Register. Available at <https://www.federalregister.gov/documents/2026/01/21/2026-01009/united-states-of-america-et-al-v-realpage-inc-et-al-proposed-final-judgment-and-competitive-impact>

<sup>iii</sup> Making the State of Maryland a Desirable and Affordable Home for All Residents (accessed 2/5/2026), The Office of Governor Wes Moore. Available at <https://priorities.maryland.gov/pages/housing>

**HB0148 - MMBBA - Framarini - FWA.pdf**

Uploaded by: DENNIS RASMUSSEN

Position: FWA



**Testimony offered on behalf of:**  
**MARYLAND MORTGAGE BANKERS & BROKERS ASSOCIATION, INC.**

**FAVORABLE WITH AMENDMENT, ON:**

**HB0148 – Consumer Protection and Labor and Employment -  
Surveillance-Based Price and Wage Setting – Prohibition**

**House Economic Matters Committee**  
**Hearing – 2/10/2026 at 1:00 PM**

The Maryland Mortgage Bankers and Brokers Association, Inc. (“MMBBA”) **SUPPORTS, WITH AMENDMENT, HOUSE BILL 0148.** the underlying consumer protection goals of House Bill 0148, including efforts to prevent opaque, discriminatory, or abusive pricing practices driven by surveillance data and automated decision-making systems. MMBBA agrees that HB0148 appropriately targets unregulated surveillance-based pricing practices in consumer markets outside of the financial services sector. However, MMBBA respectfully urges the Committee to adopt a targeted amendment to ensure the bill does not unintentionally capture Maryland’s highly regulated mortgage banking industry.

Mortgage industry pricing is already subject to comprehensive federal and state regulation, including the Equal Credit Opportunity Act, the Fair Housing Act, the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the Gramm – Leach – Bliley Act. Mortgage industry pricing is based on objective, risk – and cost-based underwriting factors such as credit score, loan-to-value ratio, product type, and secondary-market execution. These standardized pricing frameworks promote consistency, transparency, and auditability, and do not rely on surveillance-based behavioral profiling.

As drafted, HB0148’s broad definitions could create regulatory uncertainty for mortgage lenders and brokers that utilize automated underwriting systems and standardized agency pricing adjustments. These systems are not the intended targets of the bill, and without clarification, the legislation could result in unintended compliance burdens and downstream impacts to credit availability.

2/6/2026

HB0148

New York recently addressed similar concerns by enacting algorithmic pricing requirements while expressly exempting financial institutions and consumer credit providers, recognizing that risk-based pricing in financial services is already heavily regulated. MMBBA recommends that Maryland adopt a similar approach.

**Specifically, MMBBA recommends the following amendment:**

***This section does not apply to a financial institution or data subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or the regulations adopted pursuant thereto.***

MMBBA respectfully recommends amending HB0148 to specify that the bill **does not apply** to regulated mortgage lenders, mortgage brokers, and other financial institutions subject to existing pricing, fair lending, and data privacy laws. **With this amendment, MMBBA fully supports HB0148 and its consumer protection objectives.**

Respectfully submitted,

*Nicholas Framarini*

**Nicholas Framarini**  
**Co-Chair, MMBBA Legislative Committee**  
[nframarini@mortgagestar.com](mailto:nframarini@mortgagestar.com)  
**(410) 790-3391**

**HB148\_FWA.pdf**

Uploaded by: Elizabeth Bobo

Position: FWA



## MARYLAND STATE & D.C. AFL-CIO

*Affiliated with the National AFL-CIO*

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**Samuel Epps, IV**  
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### **HB 148 - Consumer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition**

**House Economic Matters Committee**

**February 10, 2026**

**SUPPORT with AMENDMENTS**

**Elizabeth Bobo**

**Legislative Director**

**Maryland State and DC AFL-CIO**

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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# **HB 148 CPD Support with Am.pdf**

Uploaded by: Hanna Abrams

Position: FWA

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Deputy Attorney General*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

**ANTHONY G. BROWN**  
*Attorney General*

**WILLIAM D. GRUHN**  
*Division Chief*

**PHILIP ZIPERMAN**  
*Deputy Division Chief*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief of Staff*

**HANNA ABRAMS**  
*Assistant Attorney General*

February 10, 2026

**TO:** The Honorable Kriselda Valderrama, Chair  
Economic Matters Committee

**FROM:** Hanna Abrams, Assistant Attorney General

**RE:** House Bill 148 – Consumer Protection and Labor and Employment –  
Surveillance–Based Price and Wage Setting – Prohibition  
SUPPORT WITH AMENDMENT

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The Consumer Protection Division of the Office of the Attorney General supports the surveillance pricing provisions of House Bill 148 (“HB 148”), sponsored by Delegate Vogel, with amendments. House Bill 148 prohibits businesses from using consumers’ personal data and artificial intelligence to personalize prices or wages.<sup>1</sup>

House Bill 148 restricts businesses use of “surveillance pricing” to personalize prices for consumers. Surveillance pricing uses massive amounts of data about an individual consumer to charge the highest price and extract the maximum profit that the consumer would be willing to pay for a given product or service. Advances in data collection and artificial intelligence allow companies to collect, purchase, and analyze your personal data on an unimaginable scale. Companies exploit this trove of detailed personal data – demographics, browsing history, location data, keystroke data, purchasing behavior, inferential data, and other data – to set the prices of goods and services on an individual basis. And consumers are often unaware that their data is even being collected.

This harms consumers in a number of ways. First, consumers buying the same product or service at the same time from the same business may be offered different prices. These price differences can be discriminatory based on characteristics such as race, gender, age, income, or geographic location. Second, surveillance pricing incentivizes data brokers to collect vast amounts of data in order to predict individual consumer’s cost thresholds. And finally,

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<sup>1</sup> The Division’s testimony is limited to the surveillance pricing provisions of HB 148.

surveillance pricing results in a lack of transparency around pricing practices and prevents consumers from making informed choices.

Store loyalty programs should not be exempted from this bill. On the surface, loyalty rewards programs entice consumers by offering free enrollment accompanied by discounts. In reality, loyalty programs function as “surveillance infrastructure”: consumers often unknowingly pay for this benefit with their personal data.<sup>2</sup> A Consumer Reports investigation revealed that Kroger collects such vast amounts of data to build profiles of its customers that one profile stretched across *62 pages* and included inferences about the consumer’s income, gender, household size, and education.<sup>3</sup> Kroger has monetized this information, reportedly selling or sharing these loyalty profiles with more than 50 companies, from tobacco firms to data brokers to health tech companies, making more than 35% of the company’s net income in 2024 from leveraging this data.<sup>4</sup>

### **Amendments to the Definitions**

The Division recommends two amendments to HB 148 to clarify the scope and intent of the bill. First, replace the phrase “personal or genetic information, behavior, or biometrics” in the definition of “surveillance data” (page 3, line 12), with a cross reference to the definition of “personal data” found in the Maryland Online Data Privacy Act (MODPA).<sup>5</sup> The definition found in MODPA already incorporates genetic and biometric information. In the Commercial Law Article, the phrase “personal information” is used to refer to a very limited number of pieces of consumer information such as a person’s financial account number or driver’s license; “personal information” is too limited to incorporate the full scope of consumer personal data that is used in surveillance pricing.<sup>6</sup>

Second, the Division recommends replacing the definition of “artificial intelligence”<sup>7</sup> (page 2, line 25-26), with a cross reference to the Insurance Code’s definition (MD Code Ann., Ins. Law, § 15-10B-05.1). As drafted, the definition fails to address two key aspects of artificial intelligence. By limiting its scope to “predictions, recommendations, or decisions” and omitting any reference to content, it may not clearly encompass systems whose primary function is content generation or other original outputs. Although content generation can be described technically as a form of prediction, that characterization is not apparent from the term’s ordinary

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<sup>2</sup> Samuel A.A. Levine and Stephanie T. Nguyen, “The Loyalty Trap: How Loyalty Programs Hook Us with Deals, Hack Our Brains, and Hike Our Prices”, Vanderbilt Policy Accelerator (October 2025).

<sup>3</sup> See Cyrus Rassool, “Consumer Reports Investigation Uncovers Kroger’s Widespread Data Collection of Loyalty Program Members to Create Secret Shopper Profiles,” CONSUMER REPORTS (May 21, 2025), <https://www.consumerreports.org/media-room/press-releases/2025/05/consumer-reports-investigation-uncovers-krogers-widespread-data-collection-of-loyalty-program-members-to-create-secret-shopper-profiles/>

<sup>4</sup> *Id.*

<sup>5</sup> Md. Code Ann., Com. Law, § 14-4701(w) (“Personal data” means any information that is linked or can be reasonably linked to an identified or identifiable consumer).

<sup>6</sup> See Md. Code Ann., Com. Law, § 14-3501.

<sup>7</sup> Md. Code Ann., State Fin. And Proc. § 3.5–801 reads: (c) “Artificial intelligence” means a machine–based system that: (1) can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments; (2) uses machine and human–based inputs to perceive real and virtual environments and abstracts those perceptions into models through analysis in an automated manner; and (3) uses model inference to formulate options for information or action.

meaning. In addition, by restricting objectives to those that are “human-defined,” the definition does not clearly encompass implicit objectives—goals not explicitly coded but learned from data or inferred from behavior. The definition found in the Insurance Code provides sufficient flexibility to accommodate both existing technology and future developments.

The Division asks the Economic Matters Committee to issue a favorable report with the amendments discussed.

Cc: Delegate Joe Vogel  
Members, Economic Matters Committee

# **HB0148 - Favorable with Amendments.pdf**

Uploaded by: Jane St Louis

Position: FWA

**Good afternoon. My name is Jane St. Louis. I am a scan coordinator and have worked for Safeway for 33 years. I am also a proud member of the UFCW Local 400. Today I am speaking on behalf of grocery workers across Maryland and across this country.**

I want to share what pricing looks like **from the worker's side**, because it is very different from how it is often described.

Customers assume that prices are the same for everyone, unless you use a coupon or discount card, in which case the discounts are the same for everyone. But with the introduction of retail apps, customers using the app may get a different discount than the person standing next to them buying the exact same product.

This happens even on advertised items. Customers don't understand why they are paying more. They feel frustrated and embarrassed, and they turn to employees for answers.

Workers are then put in the impossible position of trying to explain why **one customer qualifies for a price and another does not**. We are expected to explain technology, data collection, and pricing systems that we don't control. This confusion is happening in **almost every retail store today** where customers can use an app to receive lower prices.

These systems collect customer data—what people buy, how often they shop, and how they use the app—to decide who gets better deals. While retailers may call this personalized savings, from the worker's point of view, it creates **unequal pricing, confusion, and stress on the front line**.

Electronic shelf labels will make this problem even worse, because every customer in the store will be impacted, whether they use an app or not. Customers will have no way of knowing if they're getting a deal or if they're getting squeezed.

To be clear: this bill does nothing to stop retailers from offering discounts. This bill simply protects customers from their personal information—such as their race, gender, family status, or even whether or not they're pregnant—being used against them to individually charge them more for their purchases.

But this bill is not just about pricing. It is about **fairness, transparency, and protecting workers and consumers**.

As pricing becomes more automated and digital, **jobs are disappearing**. Electronic shelf labels and automated pricing systems are replacing work that trained employees once did. Across Safeway stores nationwide, scan coordinators who once worked **full-time—40 hours a week with benefits—are now being cut to just 8 to 10 hours a week**, causing workers to lose healthcare, financial stability, and dignity after decades of service.

I have given 33 years of my life to this company. Many of my coworkers have done the same. We are not data points or algorithms. We are people trying to support our families.

I urge you to support the Protection from Predatory Pricing Act and stand with grocery workers and the communities we serve.

Thank you for listening.

# **UFCW 400 Favorable with Amendments on HB0148 - Sur**

Uploaded by: Kayla Mock

Position: FWA

**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-19<sup>th</sup> 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.**

# **State Farm Testimony Opposition to House Bill 385**

Uploaded by: Marta Harting

Position: FWA

## STATE FARM INSURANCE COMPANIES

### HOUSE BILL 385/SB269 (COURTS AND JUDICIAL PROCEEDINGS – EVIDENCE – REBUTTABLE PRESUMPTION OF MEDICAL BILLS)

#### POSITION: OPPOSED

This bill would establish a rebuttable presumption that a medical bill is authentic, fair and reasonable, and provide that, for purposes of admissibility, expert testimony is not required to prove the authenticity, fairness or reasonableness of a medical bill.

State Farm opposes this bill because it would unfairly shift the burden from the plaintiff to the defendant to prove that a medical bill is authentic, fair and reasonable. This is the existing law in §10-104, but only for cases in the District Court or a circuit court if the amount in controversy does not exceed \$30,000. Current Maryland law protects Marylanders who carry auto insurance personal injury liability limits of \$30,000 required under Maryland law. Under this bill, Marylanders who cannot afford to carry more than the minimum limits will be exposed to a judgment in excess of their policy limits without the fullest opportunity to defend against the claim.

Further, this bill would create an unlevel playing field in favor of the plaintiff because it makes a medical bill admissible without expert testimony to prove authenticity, fairness and reasonableness, but does not make a defendant's report challenging the authenticity, fairness or reasonableness of an admitted medical bill admissible without expert testimony.

For these reasons, this bill should be given an unfavorable report.

**HB 148 Pricing APCIA SWA 021026.pdf**

Uploaded by: Nancy Egan

Position: FWA



**Testimony of**  
**American Property Casualty Insurance Association (APCIA)**  
**House Economic Matters Committee**

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

**February 10, 2026**

**Support with Amendments**

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 71% of the Maryland property-casualty insurance market. House Bill 148 is intended to provide new consumer protections against certain surveillance pricing and certain employer practices. Importantly, Subsection (B) on line 17 of the bill provides a general exception if the price reflects the differences in the cost to provide the good or service. This is an important exception and one that should be maintained. However, the bill does not specify certain exemptions for industries already regulated under the Maryland Code. APCIA appreciates the opportunity to provide written comments and suggested amendment to House Bill 148.

Insurance pricing is already comprehensively regulated pursuant to the Insurance Article. Insurance rates are submitted to the Insurance Commissioner for review and approval. For example, Section 11-306 of the Insurance Article requires that insurance rates not be excessive, inadequate or unfairly discriminatory. To avoid any possibility of confusion on standards applicable to insurers and insurance producers and any possible reading of a less stringent standard for insurers and producers, we urge a more specific carve out for that reflects this comprehensive and strict insurance regulation as follows on line 17 of the bill:

Insert:

This section does not apply to:

**(1) AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OR INSURANCE PRODUCER LICENSED BY THE STATE,**

The amendatory language is based on the language relating to insurance that is included in the exception language in Section 13-104 of the Commercial Law Article. So, there is precedent for our request and the way we suggest it be implemented.

For these reasons, APCIA urges the Committee to adopt this amendment.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

[Nancy.egan@APCIA.org](mailto:Nancy.egan@APCIA.org) Cell: 443-841-4174

**HB148 CDIA FWA.pdf**

Uploaded by: Zachary Taylor

Position: FWA



Consumer Data Industry Association  
1090 Vermont Ave., NW, Suite 200  
Washington, D.C. 20005-4905

February 4, 2026

P 202 371 0910

[CDIAONLINE.ORG](http://CDIAONLINE.ORG)

Delegate Kriselda Valderrama  
Chair  
House Economic Matters Committee  
Maryland House of Delegates  
230 Taylor House Office Building  
Annapolis, Maryland 21401

Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I am writing to express our concerns regarding unintended consequences created by the broad provisions and absence of critical exemptions in HB 148, which would establish a prohibition on “surveillance-based pricing setting” in Maryland. The measure could unintentionally restrict the use of consumer reports, conflicting with not only the federal Fair Credit Reporting Act (FCRA) but also provisions of the Maryland’s comprehensive data privacy statute. We respectfully request that should this bill move forward, the Committee adopt amendments to address our concerns and stand ready to work with the sponsor, the Committee, and the bill’s proponents toward that end.

CDIA represents the consumer reporting industry, including nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and more. Since our founding in 1906, we have promoted the responsible use of consumer data to empower financial opportunities, reduce fraud, and manage risk. Through data analytics, our members facilitate fair and secure transactions, foster competition, and expand consumers’ access to tailored financial products. As part of our mission, CDIA promotes responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

CDIA’s members, the consumer reports they produce, and the users of those reports are all tightly regulated by the federal FCRA. As noted above, businesses in a variety of settings rely on consumer reports to identify, evaluate, and manage the risk inherent in certain financial transactions, both business to consumer and business to business. Consumer reports are the primary way in which credit history information is shared to qualify consumers for credit, but the FCRA governs the limited and controlled release of information for many other purposes, including for insurance underwriting, employment qualification, housing, government benefits, and other personal services.

Beyond regulating the consumer reporting ecosystem, the FCRA also establishes robust consumer protections, including the right to know what information is collected, to know who has accessed consumer information, to know if the information included in a consumer report results in an adverse action, and to correct and delete inaccurate information. Many of these same protections are also already codified in Maryland law.

As drafted, HB 148’s broad definitions of “artificial intelligence”, “automated decision system”, and “surveillance-based price setting” work together to create confusion as to whether users of consumer reports for purposes authorized by the FCRA will have violated HB 148’s prohibition on “surveillance-based price setting”. While this may not be the intent of the bill, it opens the door to significant unintended consequences for all Marylanders as restricting access to consumer reports will make it more difficult for businesses to accurately identify and account for risk, making it more difficult or more expensive to access credit and other products.

CDIA raised similar concerns during the debate over Maryland’s comprehensive data privacy statute, which affords consumers similar rights and protections to those proposed by HB 148. In adopting the comprehensive data privacy law, Maryland incorporated several key exemptions for a variety of types of personal data used in the consumer reporting context to avoid disrupting the cred economy, which depends

on a reliable credit reporting system. The most analogous provision in the data privacy statute, the right to opt out of certain types of data processing, would have functioned similar to HB 148, effectively giving consumers the right to opt of consumer reporting. This in turn would have injected significant financial risks into Maryland's economy. The legislature was wise to address those risks through exemptions focused on the FCRA, among other federal privacy statutes, and we ask the Committee to take the same step now should HB 148 move forward.

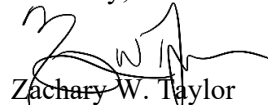
State legislation that attempts to regulate or disrupt the credit reporting system can unleash unexpected and unintended consequences because the system operates across all jurisdictions. Given the ever-increasing interconnectedness of the modern economy, maintaining alignment between state consumer reporting laws and federal consumer reporting laws is more critical than ever.

To preserve this level playing field, Congress included provisions limiting states' ability to independently or differently regulate the consumer reporting system in the FCRA at 15 U.S.C. 1681t. More recently on this topic, the Consumer Financial Protection Bureau (CFPB) published an [interpretive rule in the Federal Register](#) to ***“clarify that the Fair Credit Reporting Act (FCRA) generally preempts State laws that touch on broad areas of credit reporting, consistent with Congress’s intent to create national standards for the credit reporting system”***.

CDIA believes only national, uniform standards can achieve the dual goals of protecting consumers and maintaining accurate reports, which is why we respectfully request the Committee adopt amendments to HB 148 exemption consumer reporting from being captured by the measure's prohibition on “surveillance-based price setting”. Doing so would not only align the bill with similar proposals making their way through other state legislatures but also eliminate unnecessary conflict between Maryland law and the FCRA, avoiding legal uncertainty for CDIA's members and the businesses that rely on consumer reports to identify and manage risk.

CDIA and its members stand ready to work with the sponsor, the Committee, and other interested parties toward that goal. Thank you for your consideration of our comments. Please reach out with any additional questions for CDIA.

Sincerely,



Zachary W. Taylor  
Director, Government Relations  
Consumer Data Industry Association

# **Ad Trade Letter in Opposition to Maryland HB 148**

Uploaded by: Adam Wadsworth

Position: UNF



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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.

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

<sup>2</sup> 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](https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf).

<sup>3</sup> *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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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

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<sup>4</sup> HB 148 § 14-1330(D).

<sup>5</sup> HB 148 § 14-1330(B).

<sup>6</sup> HB 148 § 14-1330(C).

<sup>7</sup> 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,

Christopher Oswald  
EVP for Law, Ethics & Govt. Relations  
Association of National Advertisers  
202-296-1883

Alison Pepper  
EVP, Government Relations & Sustainability  
American Association of Advertising Agencies, 4As  
202-355-4564

Clark Rector  
Executive VP–Government Affairs  
American Advertising Federation  
202-898-0089

Lou Mastria  
CEO  
Digital Advertising Alliance  
347-770-0322

CC: Members of the Maryland House Economic Matters Committee

Mike Signorelli, Venable LLP  
Allie Monticollo, Venable LLP  
Matthew Stern, Venable LLP

**HB148\_MHLA\_UNF.pdf**

Uploaded by: Amy Rohrer

Position: UNF

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

Economic Matters Committee

February 10, 2026

**Position: OPPOSED**

*MHLA is the sole statewide organization dedicated to advocacy on behalf of Maryland's lodging industry. With 765 hotels supporting more than 115,000 jobs statewide, generating \$7.2 billion in wages and salaries, contributing \$2.4 billion in state and local tax revenue, and driving \$10.6 billion in guest spending that strengthens communities across Maryland – our industry is a powerful economic engine.*

MHLA believes consumers and employees should be protected from unfair and discriminatory practices. However, HB 148, as currently drafted, goes far beyond that shared goal. While the bill is intended to address narrow and objectionable practices, its language sweeps in a wide range of lawful, consumer-valued pricing practices. Our comments focus primarily on the bill's potential harm to discounts and loyalty programs, particularly where it would prevent businesses from offering various types of consumer-friendly benefits.

The bill's expansive and ambiguous definitions of "automated decision system" and "surveillance data" are broad enough to capture routine business tools. Even with the bill's limited exemptions, businesses will struggle to distinguish prohibited conduct from ordinary pricing operations, creating significant compliance and enforcement uncertainty.

As a specific example, the bill fails to draw a clear, administrable line between harmful conduct and lawful, consumer-valued pricing practices such as promotional discounts, membership rewards, and loyalty program offers. The approach currently drafted risks discouraging existing practices and future innovations which lower prices and expand choices that are clearly beneficial to consumers.

Loyalty and rewards programs are among the most effective—and creatively deployed—tools that businesses use to deliver value to consumers, promote competition, and benefit frequent and price-sensitive customers. **While HB 148 attempts to exempt certain discounts and rewards, the conditions imposed on such offers are overly restrictive, unclear, and operationally difficult.**

Maryland has robust consumer protection, privacy, and anti-discrimination laws that allow regulators to target unfair, deceptive, or abusive practices directly. In addition, the Maryland Online Data Privacy Act (MODPA), effective in 2025, establishes a comprehensive framework governing the collection and use of personal data. HB 148 does not clearly identify a gap in existing law that justifies a sweeping new prohibition focused on technology rather than conduct. **By regulating tools instead of outcomes,**

**the bill risks treating transparent, beneficial practices the same as the abusive practices it seeks to prevent.**

**While MHLA supports efforts to protect consumers from unfair price increase practices and protect employees from unfair wage setting, HB 148 casts too wide a net.** We respectfully urge the Committee to pursue a more targeted approach that preserves legitimate discounts and benefits, aligns enforcement with demonstrable consumer harm, and protects affordability, competition, and innovation.

For these reasons, MHLA respectfully requests an **unfavorable report** on **HB 148**.

**For more information, please contact:**

Amy Rohrer, President & CEO  
Maryland Hotel Lodging Association  
amy@MDLodging.org

**HCCC\_HB 148\_UNFAV\_ECM.pdf**

Uploaded by: Andrew Griffin

Position: UNF



February 10, 2026

Legislative Position: Unfavorable

House Bill 148

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

House Economic Matters Committee

Dear Chair Valderrama and members of the committee:

Founded in 1969, the Howard Chamber of Commerce is dedicated to helping businesses, from sole proprietors to large international firms, grow and succeed. With the power of 700 members that encompass more than 170,000 employees, the Howard County Chamber is an effective partner with elected officials and advocates for the interests of the county's business community.

The Chamber supports policies that promote transparency, consumer trust, and fair competition. We also recognize the intent of HB 148 to address concerns related to data privacy and potentially discriminatory pricing or wage practices. However, as drafted, this bill raises significant concerns for small and mid-sized businesses that operate in good faith and lack the legal, technological, and compliance resources of large national firms.

First, HB 148 relies on broad and novel definitions of "surveillance-based price setting" and "surveillance-based wage setting" that may unintentionally encompass routine and legitimate business practices. Many small businesses use basic software tools for inventory management, scheduling, customer loyalty programs, or seasonal pricing adjustments. The bill creates uncertainty as to whether these widely used tools could expose businesses to liability under Maryland's Consumer Protection Act, even when no individualized or discriminatory pricing is intended.

Second, the bill would impose new compliance and legal risks on small businesses that are already navigating rising costs, labor shortages, and economic uncertainty. Treating violations as unfair or deceptive trade practices creates the potential for significant penalties and enforcement actions. For small businesses with limited administrative capacity, the cost of determining compliance alone could be substantial, discouraging the adoption of modern technologies that improve efficiency and competitiveness.

Third, HB 148 may inadvertently disadvantage small businesses relative to larger competitors. Large corporations are better positioned to absorb compliance costs, retain counsel, and modify complex systems in response to new regulations. Small businesses, which form the backbone of Howard County's economy, could be forced to scale back innovation or operational tools out of concern for legal exposure.

The Chamber believes that any effort to regulate data-driven pricing or employment practices should be narrowly tailored, clearly defined, and developed with meaningful input from the small business



community. As written, HB 148 risks unintended consequences that could stifle innovation, increase costs, and create confusion without demonstrably improving consumer outcomes.

For these reasons, the Howard County Chamber of Commerce respectfully urges the Committee to oppose House Bill 148 or, at a minimum, delay its advancement to allow for further stakeholder engagement and refinement.

Sincerely,

Kristi Simon  
President & CEO  
Howard County Chamber of Commerce

# **HB0148 -- Commercial Law – Fair Pricing and Market**

Uploaded by: Brian Levine

Position: UNF



**House Bill 148 -- *Consumer Protection and Labor and Employment -  
Surveillance-Based Price and Wage Setting - Prohibition***  
**House Economic Matters Committee**  
**February 10, 2026**  
**Oppose**

The Montgomery County Chamber of Commerce (MCCC), the voice of business in Metro Maryland, opposes House Bill 148 -- *Consumer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition*.

House Bill 148 prohibits a person from engaging in surveillance-based price setting. “Surveillance-based price setting” is defined as “the use of surveillance data in conjunction with an automated decision system to offer or inform a customized price for a good or service for a specific individual or group of individuals in the state.”

While the Chamber agrees that protecting consumers across industries through fair and transparent pricing is essential, businesses have expressed concern that the broad or ambiguous use of the term “surveillance-based” may unintentionally include legitimate, privacy-respecting tools that support everyday commercial activity. Many note that “surveillance-based pricing” currently lacks a widely accepted technical or legal definition. For example, common practices such as targeted promotions or loyalty programs could fall within the broad language used in House Bill 148.

Some businesses also worry that the legislation could affect their ability to manage key operational functions that rely on data analytics. An unintended consequence could be a shift toward higher and more uniform pricing if companies are unable to use data to offer discounts, adjust prices efficiently, or respond to demand. Additionally, limiting these technologies may introduce significant operational costs and create uncertainty, potentially making it more challenging for companies to operate competitively in Maryland.

**For these reasons, the Montgomery County Chamber of Commerce opposes House Bill 148 and respectfully requests an unfavorable report.**

*The Montgomery County Chamber of Commerce (MCCC), on behalf of its members, champions the growth of business opportunities, strategic infrastructure investments, and a strong workforce to position Metro Maryland as a premier regional, national, and global business location. Established in 1959, MCCC is an independent, non-profit membership organization.*

*Brian Levine | Vice President of Government Affairs  
Montgomery County Chamber of Commerce  
51 Monroe Street | Suite 1800  
Rockville, Maryland 20850  
301-738-0015 | [www.mcccmd.com](http://www.mcccmd.com)*

# **Chamber of Progress\_MD HB 148\_Oppose [Written Test**

Uploaded by: Brianna January

Position: UNF



February 10, 2026

The Honorable Kriselda Valderrama  
Chair  
House Committee on Economic Matters  
Taylor House Office Building, Room 362  
6 Bladen Street  
Annapolis, MD 21401

**RE: Oppose HB 148 - Consumer Protection and Labor and Employment --  
Surveillance-Based Price and Wage Setting -- Prohibition**

Dear Chair Valderrama and members of the committee:

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a society in which all people benefit from technological advances, **I respectfully urge you to oppose HB 148, which would harm consumers in Maryland.**

We share the Legislature's concern about affordability. The cost of living is the top issue facing American families,<sup>1</sup> and we understand the impulse to ensure consumers are getting a fair deal. But HB 148 risks backfiring on the very families it aims to help by eliminating the personalized discounts, digital coupons, and targeted deals that help Maryland families stretch their budgets.

**Price targeting is a familiar, widely accepted practice**

Terms like "surveillance-based price setting" may arouse concern, but the underlying practice is both common and pro-consumer. Personalized pricing is already part of daily life: students and seniors receive discounts, software costs more for businesses than individuals, insurance companies charge safer drivers less, and colleges vary tuition based on family income or merit. These are all forms of price targeting that use individual data to make goods and services more accessible to a broader range of people.

Economists widely recognize that in industries with high fixed costs and low marginal costs – software, telecommunications, digital services – price targeting is essential. It allows companies to recover investments while serving price-sensitive customers who

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<sup>1</sup> Erin Doherty, "New poll paints a grim picture of a nation under financial strain," *POLITICO*, Dec. 10, 2025, <https://www.politico.com/news/2025/12/10/poll-affordability-cost-of-living-00678076>.

might otherwise be priced out of the market.<sup>2</sup> What is new today is not the principle, but the tools. Algorithms and data make these same inclusive practices easier to scale, allowing businesses to expand discounts to more consumers automatically and more consistently.

In practice, **that looks like a senior on a fixed income who picks her grocery store because its app sends her personalized deals on the items she buys most, or a family that can afford a streaming subscription for their kids because a promotional rate made it possible. These are the consumers personalized pricing serves, and they are the ones HB 148 would hurt.**

When businesses can tailor prices to individual circumstances, price-sensitive consumers gain access to goods and services they might not otherwise afford.<sup>3</sup> Without personalization, companies must set a single price point that inevitably excludes some consumers or charges others more than necessary. Banning personalized pricing does not produce a fairer market. It produces a less accessible one.

### **HB 148 bans pro-consumer practices that deliver real savings to Maryland families**

Using customer data to personalize deals, discounts, and shopping experiences delivers real value to consumers, particularly those with fixed budgets. The "surveillance" label mischaracterizes a relationship that consumers enter into willingly. A 2024 survey of more than 10,000 consumers found that 91% are willing to share personal data in exchange for value from brands, with discounts, loyalty points, and exclusive access cited as the top motivators.<sup>4</sup> These consumers are not unwitting subjects of data collection. They are active participants in an exchange that benefits them directly.

HB 148 would prohibit a wide range of common, pro-consumer practices that Maryland consumers use and benefit from every day:

- *Personalized coupons.* Your grocery store's app sends you a \$2-off coupon for the cereal you buy every week, or a deal on diapers because you have a baby at home.
- *Loyalty rewards.* Your local coffee shop gives you a free drink after ten purchases, or sends you a discount because you haven't visited in a month.
- *Subscription and retention offers.* A streaming service offers you a discounted rate to come back after you cancel, or a meal kit company drops its price to keep you as a subscriber.

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<sup>2</sup> Juan M. Elegido, "The Ethics of Price Discrimination," *Business Ethics Quarterly* 21, no. 4 (October 2011): 636, <https://doi.org/10.5840/beq201121439>.

<sup>3</sup> Jerod Coker and Jean-Manuel Izaret, "Progressive Pricing: The Ethical Case for Price Personalization," *Journal of Business Ethics* 173, no. 3 (2021): 387-398, <https://doi.org/10.1007/s10551-020-04545-x>.

<sup>4</sup> Marigold, "2024 Global Consumer Trends Index" (2024), <https://www.globenewswire.com/en/news-release/2024/01/16/2809582/0/en/Annual-Marigold-Global-Consumer-Trends-Index-Reveals-Need-for-Brands-to-Deliver-on-Data-Privacy-and-Personalization-to-Win-Customer-Loyalty.html>.

- *Delivery and rideshare promotions.* A delivery app sends you a promo code for free delivery because you haven't ordered in a while, or a rideshare app offers a discounted fare on your regular commute.
- *New product introductions.* A new snack brand enters your grocery store and the store sends a coupon to customers who already buy similar products, reaching the shoppers most likely to be interested instead of advertising blindly to everyone.
- *Small business offers.* You favorited a handmade necklace on an online marketplace and the seller sends you a 10% off coupon, or a small clothing brand offers a discount because you've browsed their site before.

**Under HB 148's broad definitions, every one of these practices would be prohibited.** The bill bans using "surveillance data" in conjunction with an "automated decision system" to offer a "customized price" – but its definitions are so expansive that they capture a wide collection of modern commerce practices. "Surveillance data" includes any data obtained through "observation, inference, or surveillance" of a consumer's behavior or personal information. "Automated decision system" includes any software that assists human decision-making – from a sophisticated pricing algorithm to a basic spreadsheet. The bill does not distinguish between manipulative practices and ordinary, data-driven discounts that consumers know and enjoy.

Targeted promotions also serve an important competitive function. For new brands and smaller businesses trying to break into established markets, personalized offers are among the most effective tools available to reach potential customers and build a customer base. A new grocery brand can use targeted discounts to introduce itself to likely buyers; a local retailer can use promotional pricing to compete against national chains with far larger advertising budgets. Restricting these practices raises barriers to entry and reinforces the market position of large, established incumbents at the expense of the competition that benefits consumers.

Eliminating these practices would come at a real cost. Digital coupons alone save the average household \$1,465 each year,<sup>5</sup> before even counting the benefits of loyalty programs and targeted promotions. The burden would fall hardest on low-income families, especially those with children, who are among the most active deal-seekers and coupon users.<sup>6</sup> Personalized deals and targeted discounts help ease the cost-of-living pressures so many families face, making this the wrong moment to strip away these savings tools.

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<sup>5</sup> Elyssa Kirkham, "Study: Skipping Online Coupons Could Cost You \$1,465 Per Year," CouponFollow, last modified May 19, 2021, <https://couponfollow.com/research/coupon-data-study>.

<sup>6</sup> Stephanie M. Noble et al., "Coupon Clipping by Impoverished Consumers: Linking Demographics, Basket Size, and Coupon Redemption Rates," *International Journal of Research in Marketing* 34, no. 2 (2017): 553-571, <https://doi.org/10.1016/j.ijresmar.2016.08.010>.

## **HB 148's exemptions concede the value of personalized pricing but fail to protect it in practice**

Similar algorithmic pricing bills have been introduced in legislatures across the country, and they have repeatedly stalled or failed to advance. A central reason is the same problem HB 148 faces: **broad bans on personalized pricing inevitably capture the very savings tools that consumers depend on**, and there is no clean way to prohibit "surveillance pricing" without also prohibiting the personalized savings that families rely on.

While we appreciate that HB 148 includes exemptions for cost-based price differentials and uniform category-based discounts, these narrow safe harbors cannot rescue the bill's broad prohibition. Surveys show that 71% of consumers now expect personalized interactions from the companies they buy from, and 76% get frustrated when that doesn't happen.<sup>7</sup> HB 148's exemptions would strip out exactly this kind of personalization – conceding that some price differentiation delivers value while restricting it in the vast majority of scenarios where consumers actually experience those savings.

The bill provides no exemption for loyalty programs, despite the fact that 70% of consumers say they value them<sup>8</sup> and about 24% of consumers earning under \$40,000 rely on loyalty programs when choosing where to shop.<sup>9</sup> Under HB 148, loyalty rewards tied to purchase history – the free coffee after ten purchases, the personalized grocery coupon based on what a family actually buys – would be prohibited because the bill treats purchase history as "surveillance data" and the software that processes it as an "automated decision system." Nor does the bill exempt situations in which a consumer voluntarily shares information with a business for the express purpose of receiving a better deal.

Personalization is what makes many discounts viable in the first place. Businesses offer targeted discounts because offering the same discount to every customer is often unsustainable. Personalized pricing allows retailers to extend savings to the customers a promotion is meant to reach – deal-seekers, new customers, lapsed shoppers – without reducing revenue across every transaction. **If businesses cannot target their promotions, many will simply stop offering them, because a universal discount that serves no strategic purpose is one that most businesses cannot sustain.** That means fewer discounts and less competition for the consumers who need savings most.

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<sup>7</sup> McKinsey & Company, "The Value of Getting Personalization Right—or Wrong—Is Multiplying" (2021), <https://www.mckinsey.com/capabilities/growth-marketing-and-sales/our-insights/the-value-of-getting-personalization-right-or-wrong-is-multiplying>.

<sup>8</sup> Bobby Stephens and Ramya Murali, *2024 Consumer Loyalty Survey*, Deloitte, Feb. 24, 2025, <https://www.deloitte.com/us/en/services/consulting/articles/brand-loyalty-program-consumer-behavior.html>.

<sup>9</sup> F. Watty, "Supermarket Choice Due to Membership in Its Loyalty Program in U.S. 2023 by Income," Statista, Jan. 11, 2024, <https://www.statista.com/statistics/1548425/supermarket-choice-due-to-loyalty-program-by-income-us/>.

**For these reasons, I respectfully urge you to oppose HB 148.** Maryland already has strong consumer protections through the Maryland Consumer Protection Act, and **imposing a blanket pricing restriction that does not exist in neighboring Virginia or the District of Columbia could disadvantage Maryland businesses and raise costs for Maryland consumers.** HB 148 would take away the personalized discounts, digital coupons, and loyalty rewards that Maryland families rely on to make ends meet.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna January". The signature is fluid and cursive, with the first name "Brianna" written in a larger, more prominent script than the last name "January".

Brianna January  
Director of State & Local Government Relations, Northeast US

# **HB0148\_UNF\_MTC\_Consumer Protection & Labor & Emplo**

Uploaded by: Drew Vetter

Position: UNF



# MARYLAND TECH COUNCIL

ADVANCING LIFE SCIENCES AND TECHNOLOGY

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.

### For more information call:

Andrew G. Vetter

J. Steven Wise

Danna L. Kauffman

Christine K. Krone

410-244-7000

**MDCC\_HB\_148\_Unfavorable.pdf**

Uploaded by: Grason Wiggins

Position: UNF



## House Bill 148

Date: February 10, 2026

Committee: Economic Matters

**Position: Unfavorable**

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Founded in 1968, the Maryland Chamber of Commerce (Maryland Chamber) is a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

House Bill 148 (HB 148) would unnecessarily regulate the use of automated systems that are responsibly used to support marketing, pricing, and business practices that enhance consumer experience and market competition.

For example, HB 148's definitions of "Surveillance-Based Price-Setting" and "Surveillance Data" are overly broad and will restrict common practices like using past purchase behavior to offer discounts or incentives—practices that save consumers money, encourage trials of new products, and contribute to economic growth. In practice, HB 148 would overly constrain a business's ability to utilize data that helps generate discounts and promotions that make products more affordable for Marylanders.

States across the country are studying how to balance innovation with consumer protection, and to date, none have enacted legislation like HB 148. In fact, similar proposals in other states have been withdrawn or rejected after careful review. For example, AB 446 in California – a very similar bill to HB 148 – was ultimately withdrawn after it received widespread concern from stakeholders.

Please note that HB 148 seeks to establish a private right of action, which would create untenable liability exposure for businesses and divert resources from meaningful consumer protection

HB 148 would make Maryland an outlier among states, unduly constrain businesses from offering discounts to customers, and ultimately exacerbate Maryland's slow economic growth. For these reasons, the Maryland Chamber respectfully requests an unfavorable report on HB 148.

**PDF\_[MD] HB 148\_pricing\_TechNet.pdf**

Uploaded by: margaret durkin

Position: UNF

February 6, 2026

The Honorable Kris Valderrama  
Chair  
House Economic Matters Committee  
Maryland House of Delegates  
231 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

*RE: HB 145 (Vogel) - Consumer Protection and Labor and Employment -  
Surveillance-Based Price and Wage Setting – Prohibition - Unfavorable*

Dear Chair Valderrama and Members of the Committee,

On behalf of TechNet, I'm writing to share concerns on HB 148.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 104 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet recognizes that automated decision systems raise complex and evolving policy questions, and our member companies are committed to providing a positive customer experience that is transparent. We do not condone any targeting of consumers based on factors such as religion, race, sexuality, or political affiliation. States across the country have been carefully studying how to balance innovation with consumer protection, but none have enacted legislation resembling HB 148. The difficulty of getting this right has been demonstrated in other states, where similar proposals were ultimately withdrawn or rejected on a bipartisan basis after months of deliberation.

The definitions of "Surveillance-Based Price Setting" and "Surveillance Data" are extremely broad. The term "Surveillance Data" includes "data gathered, purchased, or otherwise acquired" and subsequently prohibits such practices. Yet these practices have been used responsibly for years to support marketing, pricing, and other data-driver business decisions that enhance the consumer experience and promote competition. In some instances, companies will even lower prices to try to convince an infrequent or hesitant customer to use their services. These broad

terms threaten industry-normative practices that are intuitive and understandable to the average customer and a force for competition and lower prices overall.

We are especially concerned about how HB 148 will impact a business's ability to use customer data to generate discounts and promotions due to the bill's burdensome requirements. Discounts offered because of interest in a similar product, or discounts given to frequent purchasers to incentivize them to try a new product, may be impacted by this legislation. These are opportunities to help consumers save on their purchases and maintain their personal/family budgets, while at the same time allowing the retailer to optimize their inventory to allow for better product selection that customers will further enjoy. If those purchases are made online, there is a prior search history to indicate past purchases, or behaviors, and therefore, this would fall under "surveillance data" and lead to penalties.

The bill also provides for a private right of action or PRA. PRAs lead to frivolous lawsuits that take resources away from other consumer protection measures, and only benefit a small subset of industry operating in the litigation space.

Last year in California, lawmakers attempted to move AB 446, legislation similar to the current version of HB 148; however, there was significant opposition from the business and technology industries and the final version only applied to price increases at brick-and-mortar grocery establishments. Ultimately the bill sponsor pulled their bill due to overwhelming concerns from industry.

In our view, price setting is best left to the free market and customer demand. While TechNet supports the intent of the bill - to ensure Maryland consumers are treated fairly and without discrimination - we remain concerned about its negative consequences. Thank you for allowing us the opportunity to share our concerns on HB 148. Please don't hesitate to reach out with any questions.

Sincerely,

*Margaret Durkin*

Margaret Durkin

TechNet Executive Director, Pennsylvania & the Mid-Atlantic

# **HB148\_RestaurantAssoc\_Thompson\_UNF.pdf**

Uploaded by: Melvin Thompson

Position: UNF



## **House Bill 148**

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

February 10, 2026

#### ***POSITION: Oppose***

Madame Chair and Members of the Economic Matters Committee:

The Restaurant Association of Maryland opposes House Bill 148.

We are concerned that the scope and broad language of this legislation could impact longstanding, consumer-friendly restaurant practices, such as rewards programs and apps, resulting in fewer savings for customers.

Restaurants that have rewards programs or use apps commonly rely on consumer data to provide discounts and incentives, not to charge individual customers higher prices. For example, a restaurant may use automated decision systems to offer a free drink or item to re-engage a customer who has not patronized the restaurant for some time. These types of data-driven marketing practices benefit both businesses and consumers.

The wage-setting section raises additional concerns regarding clarity and scope. While the bill includes exceptions, the definition of “surveillance-based wage setting” in conjunction with “automated decision system” could create uncertainty around permissible uses of tools employers rely on to determine raises and salaries.

For example, some employers use automated decision systems that analyze prospective employees’ relevant experience and compare it to market wages for comparable positions in the same region to recommend a salary offer for a specific candidate. However, the employer ultimately makes the final determination on the offer, with the system’s analysis serving as one factor in the decision-making process. It is not clear where the line is drawn between allowable hiring practices and the individualized wage-setting conduct the bill seeks to prohibit, creating uncertainty for employers.

As drafted, HB 148 would likely force many restaurants to abandon or significantly modify their rewards programs, particularly given the significant penalties under the Maryland Consumer Protection Act. Businesses may be unwilling to risk even inadvertent noncompliance with a law that is so broad and unclear in scope.

-more-

Ultimately, the bill attempts to address a problem that does not meaningfully exist in the restaurant industry, while creating unintended consequences that would reduce consumer savings and limit the use of tools some restaurants rely on to market their business and attract and fairly compensate qualified employees.

For these reasons, we respectfully request an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Melvin R. Thompson". The signature is written in a cursive style and is followed by a long, horizontal, slightly wavy line that extends to the right.

Melvin R. Thompson  
Senior Vice President

# **Opposed HB148 Uber.pdf**

Uploaded by: Rob Garagiola

Position: UNF

## Uber Technologies, Inc.

February 10, 2026

The Honorable Delegate Kriselda Valderrama, Chair  
The Honorable Delegate Lorig Charkoudian, Vice Chair  
Economic Matters Committee  
Maryland General Assembly  
Annapolis, MD 21401

### **Re: Opposed HB148 – Customer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition**

Dear Chair Valderrama, Vice Chair Charkoudian, and distinguished members of the Economic Matters Committee.

Thank you for the opportunity to submit comments related to HB148, Customer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition. Uber supports the intent of HB148 — ensuring that residents of Maryland are treated fairly and are protected from discrimination or manipulation in pricing. While we share these values and support legislation that explicitly prohibits discriminatory practices, we must respectfully urge an unfavorable report on this specific bill.

At Uber, technology and data are at the core of our business. We use dynamic and algorithmic pricing models to efficiently match supply and demand, ensuring that riders can get a trip when they need one and that drivers can maximize their earning opportunities. These innovations have expanded access to transportation and economic opportunity for millions of people, while helping small businesses reach customers and sustain demand. But importantly, these core pricing models are not personalized - they generate price based on market dynamics, not on who the user is. Uber does **not** use a person's identity, personal characteristics, or the type of device they use to determine prices.

As currently written, HB148 risks going much further than intended by conflating discriminatory pricing (which should be banned) with dynamic market balancing (which is essential for reliability). The bill's broad and vague definitions could unintentionally restrict the use of dynamic, data-driven pricing tools that are critical to maintaining a functional marketplace, tools that benefit both drivers and riders, as well as small businesses and consumers. For Uber, this could mean increased wait times, stranded riders during peak hours, and reduced earnings for drivers.

### **Flexible Pricing Balances Supply and Demand**

Dynamic pricing is essential to keeping the marketplace efficient and reliable. By responding to real-time supply and demand, this model helps ensure that riders can find a trip quickly even during periods of high demand, and that drivers are fairly compensated for providing their time and service.

When Nevada tried to cap surge pricing during the COVID-19 pandemic, passengers at airports were stranded because there weren't enough drivers willing to take trips under the restricted pricing model. The governor ultimately had to rescind the rule because it harmed both riders and drivers.

If Maryland were to limit or effectively ban dynamic pricing through the broad language in HB148, drivers' earnings would decline, wait times would increase, and availability would drop, particularly during major events like Music Festivals, the 50th Anniversary AFRAM, NFL Draft, or college championships hosted in the state.

No U.S. state has ever permanently banned surge or dynamic pricing, because the result is always the same: fewer rides, longer waits, and lower driver pay.

### **Using Basic Operational Data Is Necessary for Safe, Fair, and Functional Pricing**

Restricting the use of operational data—such as pickup location, destination, or real-time traffic conditions—in pricing would have sweeping consequences that go far beyond dynamic pricing. These data points do not track individual consumer characteristics or behaviors; they are fundamental inputs required to run a transportation marketplace safely, efficiently, and fairly.

#### **Pricing that accounts for location is critical for several reasons:**

##### **1. A Location-Blind Pricing Model Would Be Less Fair to Riders**

Location-agnostic pricing sounds protective, but in practice it forces companies to average everyone's costs together. That means riders who take short, low-cost trips end up subsidizing higher-cost trips. Riders in rural, suburban, or lower-density areas—who already face challenges accessing transportation—would be hit especially hard if prices have to be raised across the board to compensate for the inability to tailor prices.

##### **2. Drivers Depend on Accurate, Location-Aware Pricing to Be Paid Fairly**

Drivers choose which trips to accept based on whether the price reflects the actual time and effort required. A law that prohibits the use of location in pricing would cause drivers to face more “underpriced” trips, encouraging them to cancel or avoid certain areas entirely. That reduces reliability for riders and reduces earnings opportunities for drivers.

### **Impact on Small Businesses and Local Innovation**

Small, independent businesses, especially restaurants and retailers that use delivery platforms, rely on data-driven tools to offer discounts and promotions to loyal customers.

Under HB148, those common-sense practices could become unlawful if discounts are considered “differential pricing” based on past purchasing behavior. The result: fewer promotions, fewer sales, and less business for local entrepreneurs.

While large corporations may have the resources to navigate complex compliance frameworks, Maryland businesses would not.

## Impact on Competition, Innovation, and Consumer Choice

By broadly restricting algorithmic pricing or data-informed offers, HB148 would also prevent companies from providing special discounts, running loyalty programs, or offering regional promotions — all of which benefit consumers and foster competition.

The loss of these low-risk, pro-consumer tools would harm innovation and limit consumer choice. Regulation should distinguish these low-risk, pro-consumer tools from discriminatory practices.

## Better Ways to Protect Consumers

We agree that consumers should be protected from discriminatory or exploitative pricing. But rather than banning all data-informed pricing, we urge lawmakers to consider more targeted approaches.

Specifically, Maryland could:

- **Prohibit Discriminatory Inputs, Not Market Mechanics.** Legislation should explicitly prohibit the use of immutable personal characteristics such as race, gender, or religion, in pricing decisions. We support this ban unequivocally.
- **Ensure Workable Transparency Standards.** We support providing users with clear, understandable insights into how their data is used, consistent with global transparency and privacy principles. However, mandates must be compatible with the user experience. Overly prescriptive rules (e.g., forcing disclaimers to be in-app) are onerous, overly prescriptive, and degrade the user experience without providing much benefit to the user.
- **Align with Existing Privacy Frameworks.** Coordinate with existing privacy frameworks to avoid creating fragmented, state-specific rules that increase costs and complexity without improving outcomes or transparency for consumers.

Uber appreciates the opportunity to share our perspective on HB148. We support the underlying goal of fairness and transparency in pricing. However, banning tools that balance supply and demand and empower small businesses will only result in a more expensive, less reliable service that would harm consumers, drivers, and small businesses alike. We welcome the opportunity to work with lawmakers to refine this legislation so that it protects consumers while preserving the benefits of pro-consumer innovations like dynamic pricing.

Sincerely,  
LaVita Gardner  
Public Policy Manager  
Uber Technologies, Inc.

# **HB0148 MD Labor DLI Letter of Information.pdf**

Uploaded by: Andrew Friel

Position: INFO

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## MARYLAND DEPARTMENT OF LABOR TESTIMONY ON HOUSE BILL 148

**TO:** House Economic Matters Committee Members  
**FROM:** Maryland Department of Labor (MD Labor), Division of Labor & Industry  
**DATE:** February 6, 2026  
**BILL:** Consumer Protection and Labor and Employment - Surveillance-Based Price and Wage Setting - Prohibition (H.B. 148)

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### **MDL POSITION:** INFORMATIONAL

This letter of information applies only to the wage-setting provisions outlined within this bill as that section falls within purview of the Division of Labor and Industry (DLI), under the Maryland Department of Labor.

As written, this bill presents some practical challenges and will require a material investment in personnel and training.

HB 148 grants the Commissioner of Labor and Industry the authority to investigate potential surveillance-based wage-setting violations upon receiving a written complaint from an employee. However, DLI would need to develop a new investigative process, including protocols to identify, request, and obtain information from employers, and applying definitions (such as “automated decision system” and “surveillance data”) to analyze that information that are both complex and new to wage and hour enforcement. Importantly, DLI does not currently have access to information related to which surveillance-based programs a company might be using or how they are using them, and employers are not required (to our knowledge) to track, disclose, or maintain records of their use of such programs. Comparatively, a bill in California (SB 238: Workplace Surveillance Tools) proposed a requirement for private and public employers to submit an annual notice to the Department of Industrial Relations detailing all workplace surveillance tools in use, including the tool’s name, creator, technological capabilities, and the data being collected.

In addition, the bill provides that if a violation is found, the Commissioner must attempt to resolve it through mediation or request that the Attorney General bring a legal action on behalf of the applicant or employee. The bill does not give the Commissioner authority to issue citations for violations, nor does it provide an administrative enforcement mechanism, or define any penalty amounts or structure. Potential uncertainties around these important aspects of the law would make consistent, effective enforcement a challenge.

The Department respectfully requests the Committee consider this information on HB 148.

For questions, please contact Andrew Fulginiti, at [Andrew.Fulginiti@maryland.gov](mailto:Andrew.Fulginiti@maryland.gov).

# **Maryland House Bill 0148 Consumer Protection and L**

Uploaded by: Jessica Vittorio

Position: INFO

**Maryland House Bill 0148 Consumer Protection and Labor and Employment –  
Surveillance-Based Price and Wage Setting – Prohibition  
January 2026**

Dear Chair and Members of the Committee,

My name is Jessica Vittorio, and I serve as Senior Vice President for Legal, Risk, and Compliance at VusionGroup Inc., a global retail technology company that provides electronic shelf label technology to grocery, pharmacy, and mass retail stores across the United States.

I am appearing today to provide technical context on how modern retail pricing systems operate and, critically, how they do not operate.

**Retail pricing technology is not surveillance technology.**

Electronic shelf labels and the pricing systems that support them are display tools. They improve how price information is displayed on shelves, but they do not actively collect data on shoppers, observe consumer behavior, or make individualized pricing decisions.

Specifically:

- ESLs do not use cameras, facial recognition, or biometric identifiers.
- They do not ingest personal data or demographic information.
- Prices displayed are uniform for all customers at the same time, just as with paper labels.

**Surge pricing is not a feature of retail pricing.**

Retail prices are typically set in advance, often days or weeks ahead, based on inventory cycles, supplier contracts, and promotional calendars. Prices change infrequently, not dynamically, and are constrained by operational, legal, and consumer realities.

A 2025 study by researchers from the University of Texas at Austin, the University of California San Diego, and Northwestern University examined more than 380 million grocery transactions across more than 100 stores and found no statistically or economically meaningful increase in temporary price increases following the adoption of electronic shelf labels. The observed effect was effectively zero.<sup>1</sup>

Additional peer-reviewed research reaches the same conclusion:

A 2025 study published in *Marketing Science* found that digital pricing tools primarily increase markdowns for perishable goods, leading to lower food waste and more frequent discounts.<sup>2</sup>

Earlier research from Harvard Business School published in *Management Science* found that these systems reduce pricing errors and operational costs, with price changes skewing downward rather than upward.<sup>3</sup>

These studies were independently conducted by academic institutions using real transaction data. They were not funded or directed by any ESL industry trade association.

### **Federal standards and state input.**

Federal technical standards recognize digital shelf labels as a compliant and consumer-friendly pricing tool.

In 2025, the National Institute of Standards and Technology published its Unit Pricing Guide, which explicitly recognizes electronic shelf labels as an acceptable and recommended method for displaying unit pricing when implemented properly.<sup>4</sup>

That guidance was developed through a multi-year process with input from state regulators and consumer advocacy organizations. Participating states included California, Connecticut, Hawaii, Massachusetts, New Jersey, and Vermont. Consumer groups involved in the process included Consumer Reports, Consumer World, the National Consumers League, and the Queensland Consumers Association of Australia.<sup>4</sup>

The guidance establishes best practices for readability, consistency, visibility, and accuracy and directly addresses concerns related to price transparency and consumer protection.

Digital pricing systems improve price accuracy, reduce mismatches between shelves and register prices, and make it easier for retailers to comply with existing consumer protection and laws.

### **Addressing concerns about labor and job impacts.**

Some labor organizations have raised concerns that retail pricing technology could reduce jobs or displace workers. However it is important to recognize that electronic shelf labels do not automate core retail jobs. They replace a manual task: repeatedly printing, cutting, and taping paper price tags.

Retail operations research has long documented the burden of this work. In an empirical study published in the *Quarterly Journal of Economics*, researchers analyzed store-level data from five large U.S. supermarket chains and found that the total annual labor and related costs of changing shelf prices average over \$100,000 per store, with each price change requiring dozens of steps involving labor, printing, delivery, verification, and supervisory oversight.<sup>5</sup>

In practice, retailers that adopt digital pricing systems reallocate staff time toward customer service, inventory management, restocking, and store operations. Employees spend less time on ladders changing tags and more time assisting customers on the floor.

There is no academic or government data showing that ESL adoption leads to job losses or wage suppression in grocery or mass retail. Retailers still need employees to stock shelves, assist customers, manage inventory, and operate stores. Digital pricing tools support those workers by reducing repetitive manual tasks and improving day-to-day operations.

H.B. 0148 raises legitimate questions about surveillance and algorithmic decision-making. Digital pricing systems used in Maryland today are not an example of those practices.

They do not surveil consumers. They do not personalize prices. They do not encourage surge pricing.

As Maryland considers this legislation, it is important to distinguish between speculative risks and technologies that have been empirically studied in real-world retail environments.

Thank you for the opportunity to provide technical expertise. I am happy to serve as a resource to the Committee.

Respectfully submitted,

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## Footnotes

<sup>1</sup> University of Texas at Austin, University of California San Diego, and Northwestern University, 2025 study analyzing over 380 million grocery transactions across more than 100 U.S. stores.

<sup>2</sup> Chen et al., *Marketing Science* (2025), University of Texas at Austin, Washington University in St. Louis, and University of California San Diego.

<sup>3</sup> Harvard Business School researchers, *Management Science*, findings on pricing errors and menu costs.

<sup>4</sup> National Institute of Standards and Technology, *Unit Pricing Guide (SP 1181-2025)*.

<sup>5</sup> Levy, D., Bergen, M., Dutta, S., & Venable, R., *The Magnitude of Menu Costs: Direct Evidence from Large U.S. Supermarket Chains*, *Quarterly Journal of Economics* (1997).  
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