

MDOD_HB0895_FAV_ECM_2026.2.27.pdf

Uploaded by: Anne Blackfield

Position: FAV

Carol A. Beatty, Secretary
Anne Blackfield, Deputy Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor



BILL: HB 895
POSITION: FAV - Favorable
COMMITTEE: Economic Matters
DATE: February 27, 2026

SUBMITTED BY: Maryland Department of Disabilities
217 East Redwood Street, Suite 1300, Baltimore, MD 21202

Dear Chair Valderrama, Vice Chair Charkoudian, and Committee Members,

On behalf of the Maryland Department of Disabilities (MDOD), I write to express our strong support for **HB 895, Protection From Predatory Pricing Act**. This important legislation addresses pricing practices in food retail that can have a disproportionate impact on consumers with limited or fixed incomes, including many Marylanders with disabilities.

HB 895 prohibits certain food retailers from engaging in dynamic pricing practices that use consumer surveillance data or predictive analytics to set different prices for individual customers. Under the bill's provisions, retailers may not adjust the price of consumer goods or services based on data collected from consumers' purchasing habits, browsing histories, or other individualized surveillance sources. The bill also prohibits the use of protected class data to influence pricing, advertising, or sales of consumer goods and services, ensuring that pricing practices do not unfairly target or disadvantage protected communities.

People with disabilities are significantly more likely to live on limited or fixed incomes than individuals without disabilities. National data consistently show that disability is correlated with lower employment rates and greater reliance on Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), or other fixed public benefits. Because of these economic realities, even modest increases in the cost of essential goods — particularly food — pose real hardship to individuals and families striving to meet basic needs. Additionally, people with disabilities may also have less access to consumer data-driven promotional programs (coupons, membership clubs, etc.) for “preferred customers” if the technology needed to access them (e.g. smartphone apps) are inaccessible or unaffordable.

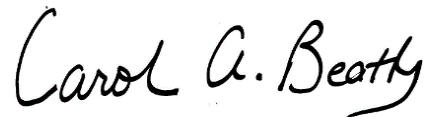
By prohibiting pricing practices that can charge different customers differently based on opaque algorithms or personal data, HB 895 will help ensure that essential food items remain affordably and fairly priced for all Marylanders. For consumers with disabilities, who often face higher costs associated with healthcare, transportation, and assistive equipment, protecting affordability

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and fairness in the food market is critical to maintaining health, independence, and community participation.

MDOD appreciates the General Assembly's attention to policies that promote economic equity and protect all residents. We respectfully urge **a favorable report on HB 895.**

Sincerely,

A handwritten signature in black ink that reads "Carol A. Beatty". The signature is written in a cursive, flowing style.

Carol Beatty
Secretary, Department of Disabilities

HB 895 - Protection From Predatory Pricing Act - F

Uploaded by: Anthony Trenkle

Position: FAV



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**HB 895 - Food Retailers – Dynamic Pricing, Surveillance Data,
and Collective Bargaining Agreements
(Protection From Predatory Pricing Act)
House Economic Matters Committee
March 3, 2026
FAVORABLE**

Good afternoon, Chair Valderrama, Vice Chair Charkoudian, and members of the Committee. Thank you for the opportunity to present testimony in support of House Bill 895 regarding predatory pricing. My name is Tony Trenkle. I am a member of the AARP Maryland Executive Council, an advocacy volunteer, and a resident of Howard County. Thank you to the Speaker and all of the delegates co-sponsoring this legislation.

AARP Maryland is one of the largest membership-based organizations in the state, with approximately 850,000 members. We welcome this legislation because it targets a growing problem in the food retail sector, that is the practice of dynamic pricing and the use of consumer surveillance data to set prices for consumer goods or services. The growing use of artificial intelligence (AI) can turn this from a sales strategy into one that creates an unlevel playing field for consumers. The time to address this issue is now, before the practice becomes mainstream. We have seen in the past that failing to set effective guardrails for new technologies can harm vulnerable populations, such as seniors.

AARP's own Jim Barrett recently wrote, "Data-driven discounts like loyalty programs and targeted promotions can genuinely help shoppers save money. But the rapid rise of artificial intelligence has blurred the line between helpful personalization and something more troubling – real-time predatory pricing based on individual circumstances and vulnerabilities."

Older adults and other vulnerable consumers face heightened risks from hidden, personalized pricing. Many seniors rely on online ordering or limited shopping hours and may not realize prices can change throughout the day, leaving them susceptible to higher charges due to factors such as limited mobility or urgent need. Their strong brand loyalty also makes them easy targets for manipulative loyalty-program pricing.

AARP Maryland supports the appropriate use of AI technology to assist both consumers and retailers. However, its use must be consistent with AARP's Consumer Rights and Protection Principles, including:



- **Promote fair play and practice**—business practices, consumer contracts, and marketing materials should be straightforward. They should not be unfair, deceptive, abusive, or discriminatory.
- **Foster transparency**—consumers should receive understandable and accurate information about goods and services, pricing, business practices, companies, service providers, risks, and their rights. This information should be in plain, easily understood language.
- **Safeguard privacy**—consumers have a right to personal privacy. They should have the ability to reject the sharing of their personal information. They also have a right to be protected from intrusive marketing practices, communications, and technology.
- **Promote equitable access**—all consumers have a right to basic and necessary goods and services that are affordable, safe, and reliable, regardless of such factors as their age, race, ethnicity, sex, gender identity, sexual orientation, ability level, and income.

Why AARP Maryland Supports HB 895

HB 895 clearly defines how dynamic pricing and the use of surveillance data can create adverse consequences for consumers. It also describes behavior by food retailers that is not acceptable and establishes penalties for violations.

The bill is clearly in line with the AARP Consumer Rights and Protection Principles described above and supports our goals for food security and fair pricing.

Conclusion

AI is advancing at a face pace, and our laws must keep up with these developments. While there are many ways that AI can provide better shopping tools for consumers, it can also be used to create algorithms that can increase costs and violate privacy. For these reasons, AARP Maryland respectfully urges a **favorable report** on HB 895.

If you have any questions, please contact Sara Westrick, AARP Maryland Advocacy Director, at swestrick@aarp.org or by calling 410-310-0374.

CFA-Testimony-HB895-MD.pdf

Uploaded by: Ben Winters

Position: FAV



Testimony of the Consumer Federation of America in Support of Maryland Surveillance Pricing Legislation: HB895/SB387

Ben Winters, Director of AI and Privacy | bwinters@consumerfed.org

The Consumer Federation of America (CFA) is an association of over 200 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.

CFA urges the committee to advance HB895/SB387, with recommended amendments to ensure it is catching both current and future harm, as well as aligning definitions throughout the state.

Algorithms increasingly mediate critical determinations for Marylanders – housing eligibility, hiring decisions, what content they’re shown, and how much they pay for food. This is often done with no transparency or choice for consumers, and to the detriment of their bank accounts.

We are witnessing an increase in the use of algorithmic tools and personal data to determine and change the prices of goods and services across the economy. There is no more essential purchase than food. It is unfair and unacceptable for food prices to fluctuate constantly, leaving families unable to plan their budgets effectively. Shoppers shouldn’t have to try to optimize their purchases to get the best prices, leading to unnecessary stress and the risk of overpaying.

Maryland residents should be able to know what items will cost without worrying whether they could have paid less based on the time of day, previous transactions, or personal characteristics that are beyond their control.

We do recommend two changes: (1) align the relevant data definitions to the existing definitions under Maryland’s data privacy law and (2) include explicit inclusion of online food retailers like Instacart and ensure massive corporations like Amazon’s Whole Foods have to comply regardless of their physical footprint in MD borders.

Thank you, and please don’t hesitate to reach out with any questions we can answer or ways we can assist in your consideration of this bill.

March 2026

MDOA Written FAV - HB 895 - 2.27.26.docx (1).pdf

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: February 27, 2026

Bill Number: HB 895

Bill Title: Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)

Committee: House Economic Matters

Maryland Department of Aging Position: FAVORABLE

Madam Chair, Vice-Chair and Committee Members:

Thank you for the opportunity to provide written testimony in support of House Bill 895 on behalf of the Maryland Department of Aging. This legislation addresses practices in food retail that may inadvertently place an unfair burden on Maryland consumers, including the State's growing population of older adults.

HB 895 would prohibit grocery retailers from engaging in "dynamic pricing" and from using consumer surveillance data to set or modify prices on essential food items. The bill also strengthens protections for employees, but my testimony will focus on the consumer protection and equity components that directly affect older Marylanders.

Maryland's population is rapidly aging. Maryland currently has more than 1.4 million residents aged 60 and older and this number is growing faster than the national average; so much so that by 2030 approximately 1 in 4 Marylanders will be 60 or older.

Many of these older adults live on fixed incomes, have tighter household budgets, and are especially vulnerable to food price volatility. With health care, prescription drug costs, housing, and transportation expenses rising, even small increases in the price of groceries can force older adults to choose between food and other basic needs.



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Over 600,000 Marylanders, or more than 1 in 10 households, live in poverty and struggle against hunger. Lack of nutrition security means that children go to school with empty stomachs, that parents, grandparents, and other caregivers skip meals so that children can eat.

Food insecurity among older adults is a serious concern. Defined as a lack of reliable access to affordable, nutritious food, food insecurity is not just a challenge for working families and children; it affects significant numbers of older Marylanders as well. National studies show that older adults are more likely than the general population to experience food insecurity due to fixed income constraints and higher health care costs as they age.

In Maryland, older adults face barriers such as limited mobility, transportation challenges, and reduced access to food resources, all of which can contribute to food insecurity. Dynamic pricing practices can exacerbate food cost burdens.

Without full transparency and consumer protections, such pricing could lead to unpredictable and higher grocery bills for consumers, particularly those least able to absorb price fluctuations, such as older adults on fixed incomes. Maryland's Protection From Predatory Pricing Act would require grocery prices to remain stable for at least one business day and prohibit the use of surveillance data to manipulate individual pricing.

For older Marylanders, price stability and predictability are especially important. Many are on limited budgets and cannot adapt to sudden, opaque increases in the cost of essential goods. This bill will help ensure that older adults can shop for groceries without fear that their age, buying patterns, or economic status could result in higher prices at checkout.

This bill supports broader state goals around nutrition and aging, as set out in Longevity Ready Maryland, our 10 year multi-sector plan, as well as in our nutrition security policy statement. The Maryland Department of Aging administers and supports nutrition programs (including home-delivered meals, congregate dining, and supplemental food services) that help reduce food insecurity among older adults. These programs work to address hunger, improve health outcomes, and reduce isolation.

In 2025, 37,492 Marylanders received support through MDOA's nutrition programs. Home delivered meals and congregate meals, totalling 2,888,640 meals were provided over the course



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

of the year and delivered through the Department's Area Agencies on Aging (AAAs) and other programs.

Public programs and services, however, can only do so much when structural market practices increase food costs for vulnerable consumers. Legislation like HB 895 complements nutrition service efforts by mitigating an emerging risk factor for cost-driven food insecurity.

The Maryland Department of Aging strongly supports House Bill 895 because it:

- Promotes fair and transparent pricing in food retail, which helps protect older adults who are highly sensitive to food cost fluctuations;
- Reinforces equity for consumers across Maryland's diverse population;
- Aligns with the Department's Longevity Ready Maryland Plan and the Governor's priorities to support Maryland's growing older adult population as they age with dignity and financial stability.

For all these reasons, we urge this Committee to issue a favorable report on HB 895.

HB895 Food Retailers – Dynamic Pricing, Surveillan

Uploaded by: Marceline White

Position: FAV



**HB895 Food Retailers – Dynamic Pricing, Surveillance Data, and Collective Bargaining
Agreements (Protection From Predatory Pricing Act)
Position: Favorable**

March 3, 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 writes in strong support of HB895.

Each year, our Securing Older Adult Resources (SOAR), Tenant Advocacy, and Fair Housing programs serve nearly 2000 older adults and renters who struggle to make ends meet.

The high cost of groceries came up as a point of stress for them again and again. In a recent survey we conducted of more than 500 Marylanders, 73% said that skyrocketing food prices had the greatest impact on their economic security.

Maryland families work hard to put food on the table. But this is becoming harder and harder to do. While there are many factors that contribute to the soaring cost of groceries that are outside of our control, technology is something that we can manage to ensure it does not contribute to rising prices.

Technology can be used to increase price transparency and competition but instead grocery store chains are collecting reams of personal data in order to charge people different prices for the same bag of groceries. Grocery stores are doing this through the use of dynamic pricing and surveillance pricing. Grocery stores are moving from traditional labels to electronic labels which can change prices at the flip of a switch-and that's part of the issue.

Dynamic pricing is the practice of changing prices in real-time based on competition, demand, and inventory to maximize profits. Examples of dynamic pricing include rideshares increasing prices (surge pricing) during a sudden thunderstorm, or increasing the price of ice cream on a hot day, or the price of turkey in the days leading up to Thanksgiving.

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 | Jennifer Bevan-Dangel · Jennifer@EconAction.org



Dynamic pricing distorts the marketplace and creates an unfair marketplace where retailers exert enormous power to squeeze more profits from financially fragile households. Dynamic pricing eliminates the idea of a public price—that is, a price that remains stable. Consumers, who are constantly told to shop around for the best deal, cannot do so if prices are constantly changing and consumers are not privy to why the price changed.

Surveillance pricing is when grocery store chains collect reams of personal data on customers in order to charge people different prices for the same bag of groceries. Why should one customer be charged more for a loaf of bread than another based on personal data? This practice distorts the market, may be based on error-filled data, and skews the market by using these 'black box' models to set prices.

This predatory pricing model is often used online as well. It hits older adults hard since many rely on online shopping where it is more difficult for them to compare items between stores or see price differences. Similarly 36% of Baltimore City households do not have cars. These residents and those of people with mobility issues are uniquely vulnerable to these black box pricing models since they are more likely to either shop at the nearest store or rely on online retailers for their groceries.

HB895 simply protects hardworking Marylanders from predatory technology that eliminates the public price of a good and sets higher prices for certain individuals based on the time that they shop or personal characteristics. These tools distort the marketplace, create asymmetrical information, and enable large, national grocery chains to exploit technology to maximize profits by squeezing already struggling customers.

For all these reasons, we support HB895 and urge a favorable report.

Best,

Marceline White
Executive Director

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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HB895 Protection from Predatory Pricing Act - Favo

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Position: FAV

Testimony in support of HB0895 - Protection From P

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0895_RichardKaplowitz_FAV

03/03/2026

Richard Keith Kaplowitz

Frederick, MD 21703

TESTIMONY ON HB#0895- POSITION: FAVORABLE

Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)

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

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#0895, **Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)**

This bill is a consumer and worker protection bill. As studied by Food & Water Watch *How AI Enables Higher Food Prices and Corporate Profits:*¹

With the power of digital technology, data collection, and AI, corporations can pursue new pricing strategies to squeeze even more profits from us. The [data centers powering the AI boom](#) aren't just raising our electricity bills, polluting our air, worsening climate change, and guzzling our water. They're also helping corporations drive prices as high as they can get away with.

The Economic Roundtable issued a report *Bullies At The Table*²

More than nine out of ten grocery store workers in the three states report price gouging at their stores and that their company is raising prices higher than production costs. ... The grocery labor force lives with extreme financial insecurity. More than four-fifths of workers are unable to pay basic living costs. The consequence of the poverty wages received by many grocery workers is that more than two-thirds do not have secure housing. This includes being rent burdened and living in overcrowded housing.

This bill thus will prohibit a food retailer from engaging in the practice of dynamic pricing or using consumer surveillance data to set a price for consumer goods or services; prohibiting a food retailer from using protected class data to offer, advertise, or sell a consumer good or service under certain circumstances; prohibiting a food retailer from diminishing or impairing any right or benefit guaranteed to employees of the food retailer under an existing collective bargaining agreement or memorandum of understanding; etc.

I respectfully urge this committee to return a favorable report on HB#0895.

¹ <https://www.foodandwaterwatch.org/2026/01/29/ai-food-prices-corporate-profits/>

² https://economicrt.org/publication/bullies-at-the-table/?fbclid=IwY2xjawP4jhZleHRuA2FlbQIxMABicmlkETFSNEJaSDUyaktJemZKQmpSc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHn-ILpU8cNwR43SpUinPfc2EMSv8c_58VW--SJ-UH017Xpvn1DJD753gLWq_aem_VvOqfQaHBc4FisZQc7EKFA

TechEquity Action Testimony on HB 895.pdf

Uploaded by: Vinhcent Le

Position: FAV



TechEquity Action Testimony on HB 895

Good morning. My name is Vinhcent Le, Vice President of AI Policy at TechEquity Action, a research and advocacy organization focused on ensuring that the benefits of technology flow to everyone, not just to Silicon Valley shareholders. We support HB 895/SB 387 because it will help keep things affordable and prevent a future where a mother who's too busy to shop around gets charged more for dinner ingredients, or where working families are profiled as desperate and pay premium prices for baby formula or eggs.

We're working in several states on surveillance pricing, and the pushback we hear most is around discounts. However, we can build in protections for consumer-friendly discounts, the kind that are generally available to everyone, based on clearly defined criteria and are not based on harvesting your personal information and predicting your individual willingness to pay.

The threat of personalized pricing is not theoretical. We have examples of the technology being either tested or deployed from [Instacart](#) affiliated grocers like Safeway, retailers like [Target](#), hotel booking [websites](#), and test prep companies, among others. The FTC identified [250 retailers](#) invested in personalized pricing technology. [Allstate](#) used an algorithm to set premiums, claiming their system would help provide discounts to drivers. In reality, the discounts maxed out at half a percent while price increases reached 20 percent, impermissibly targeting consumers that were most loyal to the insurer.

Corporations have every incentive to maximize prices based on personal data but this eliminates consumer surplus - transferring wealth from households to corporate balance sheets and increasing [inequality](#). With the massive information asymmetry between consumers and corporations, and increased consolidation across the economy - the average family faces a future where they have no choice but to accept surveillance pricing.

This is not the future Marylanders deserve and this is why we ask for your support of HB 895/SB 387.

Sincerely,
Vinhcent Le
Vice President of AI Policy
vinhcent@techequity.us

HB895_FWA.pdf

Uploaded by: Elizabeth Bobo

Position: FWA



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HB 895 - Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)

House Economic Matters Committee

March 3, 2026

SUPPORT

Elizabeth Bobo

Legislative Director

Maryland State & DC AFL-CIO

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of HB 895 with amendments.

HB 895 prohibits food retailers from engaging in dynamic pricing while also barring retailers from using surveillance data, including sensors, cameras, and device tracking to set individualized prices for consumers. No one should pay more for groceries because an algorithm has studied their personal data to determine them as different from other consumers.

In the 19th century, a fixed-priced system was created because it was the belief that every customer should pay the same price for the same goods, regardless of their background or perceived value. Dynamic pricing undermines that foundation. Today, companies can analyze a range of data points from an individual's location and demographics, to their browsing patterns and shopping history. With this data, companies estimate what each individual is willing to pay. Two people standing in front of the same shelf at the same moment can be steered toward different prices, not because of discounts or cost differences, but because an algorithm has determined them to be different.

This is discrimination by algorithm. It erodes consumer trust, exploits personal information, and creates a shopping environment where consumers are left vulnerable to predatory pricing practices. HB 895 addresses this by prohibiting the use of protected-class data in ways that deny customers the opportunities offered to others, restoring transparency and fairness to shopping.



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Importantly, HB 895 protects workers. The legislation prevents food retailers from implementing operational or organizational changes that undermine rights given in existing collective bargaining agreements unless those changes are negotiated. This is especially important because the same technologies that bring dynamic pricing are the same that bring worker monitoring and new pressures to the workplace.

However, while we strongly support the substance of HB 895, 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 dynamic based pricing at scale. To protect both workers and consumers from the predatory practices enabled by this technology, HB 895 must close this loophole.

For these reasons, we urge a favorable report on HB 895 with this amendment.



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HB 895 CPD Support with Am.pdf

Uploaded by: Hanna Abrams

Position: FWA

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Deputy Attorney General



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

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General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

HANNA ABRAMS
Assistant Attorney General

March 3, 2026

TO: The Honorable Kriselda Valderrama, Chair
Economic Matters Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: House Bill 895 – Food Retailers – Dynamic Pricing, Surveillance Data,
and Collective Bargaining Agreements (Protection from Predatory Pricing
Act) **SUPPORT WITH AMENDMENT**

The Consumer Protection Division of the Office of the Attorney General supports the dynamic pricing and surveillance data provisions of House Bill 895 (“HB 895”), sponsored by Speaker Peña-Melnyk, and Delegates Acevero, Allen, Amprey, Behler, Bhandari, Boaf, Coley, Ebersole, Edelson, Fennell, Foley, Forbes, Griffith, Guyton, Harrison, Hill, Hornberger, Ivey, D. Jones, Kaufman, Kerr, Lewis, Mireku-North, Moon, Moreno, Palakovich Carr, Pasteur, Patterson, Phillips, Pruski, Roberts, Ruff, Simmons, Simpson, Solomon, Spiegel, Stewart, Taveras, Toles, Tomlinson, Turner, Vogel, Watson, White Holland, Wims, Woods, and Ziegler, with amendments. House Bill 895 limits the number of times a price may be changed in a given day and restricts the types of data that may be used to personalize prices in food retail establishments, thereby protecting consumers from these harms by reducing discriminatory pricing, curbing excessive data collection, and improving transparency in pricing practices.¹

Specifically, HB 895 restricts food retailers’ use of “surveillance data” and “dynamic pricing” to personalize prices for consumers. Both of these practices use massive amounts of data collected 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. Companies exploit this trove of detailed personal data, or “surveillance data” – including, 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. Similarly, “dynamic pricing” once referred to broad price adjustments based on market demand. Advances in data collection and real-time

¹ The Division’s testimony is limited to the surveillance data and dynamic pricing provisions of HB 895.

analytics now allow companies to change prices continuously, charging different consumers different prices for the same product within minutes. When combined with electronic shelf labels, prices can be altered instantly based on time of day, weather, temporary events, or even inferred characteristics of the individual shopper.

“Dynamic pricing” and the use of “surveillance data” threaten consumer fairness by facilitating discriminatory pricing, encouraging invasive data collection, and obscuring prices, limiting consumers’ ability to make informed choice. These practices are especially harmful in food retailers because food is an essential good, leaving households with little bargaining power or ability to avoid individualized price increases. By leveraging personal and behavioral data that correlate with income and vulnerability, such pricing disproportionately raises costs for those least able to pay while eroding privacy, trust, and the expectation of a fair, uniform price for necessities.

CPD Amendments

The Division recommends three amendments to HB 895 to clarify the scope and intent of the bill.

- Replace the phrase “personally identifiable information” in the definition of “surveillance data” (page 3, lines 1-7), with “personal data and publicly available information,” cross-referencing the definition of “personal data” found in the Maryland Online Data Privacy Act (MODPA).² “Personally identifiable information” is not a term used in Maryland consumer protection law.³ While it is found in the State Government Article, there it refers to a very limited number of pieces of consumer information such as a person’s financial account number or driver’s license.⁴ In contrast, “personal data” encompasses the full scope of consumer personal data that is used in surveillance pricing.
- Replace the definition of “artificial intelligence”⁵ (page 2, lines 18-19), 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 meaning. In

² 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).

³ The Maryland Personal Information Protection Act uses the term “personal information” (Md. Code Ann., Com. Law, § 14-3501(e)), and the Maryland Online Data Privacy Act uses “personal data” (Md. Code Ann., Com. Law, § 14-4701(w)).

⁴ Md. Code Ann., State Gov’t, § 10-13A-01(f).

⁵ 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.

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.

- Limit the store loyalty program exemption. 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.⁶ 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.⁷ Rather than benefiting consumers, 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.⁸

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

Cc: Governor Wes Moore
Speaker Joseline A. Peña-Melnyk
Delegate Gabriel Acevero
Delegate Nick Allen
Delegate Marlon Amprey
Delegate Dylan Behler
Delegate Harry Bhandari
Delegate Adrian Boafo
Delegate Derrick Coley
Delegate Eric Ebersole
Delegate Mark Edelson
Delegate Diana M. Fennell
Delegate Linda Foley
Delegate Catherine M. Forbes
Delegate Mike Griffith
Delegate Michele Guyton
Delegate Andrea Fletcher Harrison

⁶ 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).

⁷ 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/>

⁸ *Id.*

Delegate Terri L. Hill
Delegate Kevin B. Hornberger
Delegate Julian Ivey
Delegate Dana Jones
Delegate Aaron M. Kaufman
Delegate Kenneth Kerr
Delegate Robbyn Lewis
Delegate Bernice Mireku-North
Delegate David Moon
Delegate Gabriel M. Moreno
Delegate Julie Palakovich Carr
Delegate Cheryl E. Pasteur
Delegate Edith J. Patterson
Delegate N. Scott Phillips
Delegate Andrew C. Pruski
Delegate Denise Roberts
Delegate Malcolm P. Ruff
Delegate Gary Simmons
Delegate Karen Simpson
Delegate Jared Solomon
Delegate Ryan Spiegel
Delegate Vaughn Stewart
Delegate Deni Taveras
Delegate Karen Toles
Delegate Chris Tomlinson
Delegate Veronica Turner
Delegate Joe Vogel
Delegate Courtney Watson
Delegate Jennifer White Holland
Delegate Greg Wims
Delegate Jamila J. Woods
Delegate Natalie Ziegler
Members, Economic Matters Committee

HB895-EPIC-FWA-February2026.pdf

Uploaded by: Kara Williams

Position: FWA

February 27, 2026

Maryland General Assembly
House Economic Matters Committee
Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chair Valderrama and Members of the Committee,

EPIC writes in support of H.B. 895, the Protection From Predatory Pricing Act, and to offer a few amendments to further protect Marylanders from these harmful practices. We commend Governor Moore and the House co-sponsors for prioritizing this legislation. Maryland has the opportunity to enact innovative policy that protects the rights, privacy, and financial security of Maryland residents and workers, just as Maryland did in 2024 with the passage of its landmark Maryland Online Data Privacy Act. At a time when policymakers are concerned about cost-of-living issues for their constituents, the impact of practices like surveillance pricing cannot be ignored.

The Electronic Privacy Information Center (EPIC) is an independent, nonpartisan, non-profit research organization in Washington, D.C., established in 1994 to protect privacy, freedom of expression, and democratic values in the information age.¹ EPIC has advocated for strong AI, privacy, and consumer protection laws at both the state and federal level for many years.²

I. Surveillance pricing regulation is urgently needed, and Maryland should act now.

There is an urgent need for legislation like H.B. 895 to address the harms caused by companies using AI systems to set individualized prices for consumers. Retailers have long sought to charge individual consumers the highest amount they are willing to pay for a product or a service to maximize profit.³ Until recently, companies lacked the technological means to achieve this level

¹ EPIC, *About EPIC*, <https://epic.org/about/>.

² See e.g., Protecting America's Consumers: Bipartisan Legislation to Strengthen Data Privacy and Security: Hearing before the Subcomm. on Consumer Protection & Comm. of the H. Comm. on Energy & Comm., 117th Cong. (2022) (testimony of Caitriona Fitzgerald, Deputy Director, EPIC), https://epic.org/wp-content/uploads/2022/06/Testimony_Fitzgerald_CPC_2022.06.14.pdf; *EPIC Testifies in Support of Maryland Bill on High-Risk AI*, EPIC (Feb. 27, 2025), <https://epic.org/epic-testifies-in-support-of-maryland-bill-on-high-risk-ai/>.

³ Katie J. Wells, Lindsay Owens, Angel Han & Alan Smith, Groundwork Collaborative & Consumer Reports, *Same Cart, Different Price: Instacart's Price Experiments Cost Families at Checkout* 4–5 (2025), <http://groundworkcollaborative.org/wp-content/uploads/2025/12/Same-Cart-Different-Price.pdf> [hereinafter “Instacart Investigation”].

of price discrimination.⁴ Today, the widespread availability of vast troves of personal data about consumers and advanced algorithms allows retailers to infer the prices individual consumers are willing to pay and make surveillance pricing a reality.⁵

Surveillance pricing can involve a disturbingly sensitive and varied collection of personal information. Retailers can access enormous amounts of data by collecting data firsthand from their customers and purchasing data from data brokers.⁶ Data brokers gather data about consumers as they engage a wide range of activities in today’s economy—as they work, eat, shop, study, socialize, browse the internet, seek medical care, or simply move about the world.⁷ Then, data brokers profile and categorize individual consumers based on the personal data collected about them, including location, purchase history, economic status, mental and physical health conditions, or specific vulnerabilities.⁸ For example, consumers may be categorized as expectant mothers, older people struggling financially, people having symptoms of depression, or people interested in weight loss, among countless other intimate categories.⁹

Armed with detailed profiles of consumers, surveillance pricing algorithms can make real-time tweaks to prices.¹⁰ A major investigation of Instacart found that the platform was conducting surreptitious pricing experiments by varying grocery prices by tens of cents, making the changes difficult for consumers to detect but resulting in increased grocery costs of \$1,200 a year for an average consumer.¹¹ Pricing algorithms can make minute-by-minute tweaks and continuously learn

⁴ “Price discrimination” is the practice of charging different customers different amounts for the same product or service. *Price Discrimination: Robinson-Patman Violations*, FTC (last accessed Feb. 12, 2026), <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/price-discrimination-robinson-patman-violations>. See Len Sherman, *Will Other Companies Follow Uber’s Lead Into The Black Hole of Opaque Algorithmic Pricing?*, Medium (Sept. 16, 2025), <https://len-sherman.medium.com/will-other-companies-follow-ubers-lead-into-the-black-hole-of-opaque-algorithmic-pricing-d79acd9cfe35>.

⁵ FTC, *FTC Surveillance Pricing 6(b) Study: Research Summaries, A Staff Perspective 5* (2025), https://www.ftc.gov/system/files/ftc_gov/pdf/p246202_surveillancepricing6bstudy_researchsummaries_redacted.pdf [hereinafter “FTC Study”].

⁶ FTC Study at 8–9.

⁷ FTC Study at 8–9; Mayu Tobin-Miyaji, EPIC, *Assessing the Assessments: Maximizing the Effectiveness of Algorithmic & Privacy Risk Assessments* 6–7 (2025), <https://epic.org/wp-content/uploads/2025/06/Assessing-the-Assessments-Report.pdf>.

⁸ FTC Study at 2 n. 10, 4.

⁹ Jon Keegan & Joel Eastwood, *From “Heavy Purchasers” of Pregnancy Tests to the Depression-Prone: We Found 650,000 Ways Advertisers Label You*, The Markup (June 8, 2023), <https://themarkup.org/privacy/2023/06/08/from-heavy-purchasers-of-pregnancy-tests-to-the-depression-prone-we-found-650000-ways-advertisers-label-you>.

¹⁰ FTC Study at 3–7.

¹¹ Instacart Investigation at 3.

from customer responses in both brick-and-mortar stores and online.¹² Businesses can significantly increase revenue from implementing surveillance pricing to the detriment of everyday consumers.

Surveillance pricing harms consumers by exploiting individual consumers' willingness to pay more while offering lower prices to other consumers. Some examples include Target charging \$100 more for a TV on its app based on consumers' location relative to a Target store,¹³ Orbitz charging Mac users more when booking hotels,¹⁴ and online booking sites charging a difference of more than \$500 for the same hotel room based on the consumer's location.¹⁵ The price changes are divorced from the quality of the product or service and market competition, and some consumers will wind up paying more simply because the business inferred they might be willing to pay more.¹⁶

Setting individualized prices based on personal data is unfair. Consumers expect and desire that goods or services sold to the general public in the same geographical area are sold at the same price.¹⁷ Consumers are in an asymmetrical power relationship with companies using surveillance pricing because they often do not know the practice is happening, meaning they don't know that their personal data is being used to take more money out of their wallets, and they are stripped of the opportunity to use that knowledge to take their business elsewhere. The betrayal of consumer expectations is clearly evidenced by the extremely negative backlash when consumers discover that businesses are engaged in surveillance pricing. When reporting revealed that Kroger may be engaged in surveillance pricing using facial recognition, the pushback from consumers and lawmakers was swift.¹⁸ Similarly, when Delta Airlines president told an investor conference that the company's

¹² Instacart-owned Eversight, which sells pricing tools, admits that shoppers will see different prices. *Eversight by Instacart: AI-Powered Price Optimization*, Instacart Platform (last accessed Jan. 28, 2026), <https://www.instacart.com/company/retailer-platform/connected-stores/eversight>.

¹³ Chris Hrapsky, *The Target App Price Switch: What You Need to Know*, KARE (Jan. 27, 2019), <https://www.kare11.com/article/money/consumer/the-target-app-price-switch-what-you-need-to-know/89-9ef4106a-895d-4522-8a00-c15cff0a0514>.

¹⁴ Dana Mattioli, *On Orbitz, Mac Users Steered to Pricier Hotels*, Wall Street Journal (Aug. 23, 2012), <https://www.wsj.com/articles/SB10001424052702304458604577488822667325882>.

¹⁵ Keith A. Spencer, *Hotel Booking Sites Show Higher Prices to Travelers from Bay Area*, SFGate (last updated Feb. 3, 2025), <https://www.sfgate.com/travel/article/hotel-booking-sites-overcharge-bay-area-travelers-20025145.php>.

¹⁶ AI Now Institute et al., *Prohibiting Surveillance Prices and Wages* 11–14 (2025), <http://www.economicliberties.us/wp-content/uploads/2025/02/Real-Surveillance-Prices-and-Wages-Report.pdf>.

¹⁷ See Consumer Reports, *American Experiences Survey: A Nationally Representative Multi-Mode Survey*, 8 (Sept. 2025), https://article.images.consumerreports.org/image/upload/v1760040676/prod/content/dam/surveys/Consumer_Reports_AES_September_2025.pdf (A survey of 2,240 U.S. adults in 2025 found that 72 percent of people who have used Instacart in the previous year did not want the company to charge different users different prices for any reason.).

¹⁸ Mayu Tobin-Miyaji, *Kroger's Surveillance Pricing Harms Consumers and Raises Prices, With or Without Facial Recognition*, EPIC (Feb. 14, 2025), <https://epic.org/krogers-surveillance-pricing-harms-consumers-and-raises-prices-with-or-without-facial-recognition/>.

technology can determine prices that individuals are willing to pay, negative backlash ensued, followed by backtracking by Delta Airlines.¹⁹

On top of the privacy harms and undermining consumer autonomy, surveillance pricing can unfairly exploit lower-income consumers into paying more.²⁰ One investigation into prices on Staples' and Home Depot's websites found that people living in lower-income areas received worse deals compared to those from higher-income areas.²¹ ***In a time of rising cost of living and more individuals living paycheck-to-paycheck, surveillance pricing can target people who can least afford the increased cost.***

II. H.B. 895 takes important steps to protect Marylanders from the harms of surveillance pricing.

H.B. 895 takes the important step of banning surveillance pricing in grocery stores. This is essential because surveillance pricing is extremely difficult for consumers to detect and avoid. The opacity of this practice is by design: Companies know surveillance pricing is wildly unpopular with consumers. Algorithmic price adjustments also occur surreptitiously and quickly, making them difficult to detect. A ban on surveillance pricing in grocery stores is necessary to protect consumers from this harmful and unfair practice in the place where they buy their everyday necessities.

III. With amendments, H.B. 895 could give Maryland residents more meaningful protections.

With a few key amendments, H.B. 895 could provide Marylanders with stronger protections from surveillance pricing for groceries and expand those protections in other contexts that also greatly affect affordability.

A. H.B. 895's focus on privacy and affordability could be strengthened by expanding beyond the grocery context.

H.B. 895's can be strengthened by expanding the scope beyond the grocery context. The types of businesses engaging in surveillance pricing range beyond grocery stores—they include online retailers, department stores, health and beauty retailers, home goods and furnishing stores, airlines, hotel booking sites, rental car companies, and many more types of retailers.²² We suggest scoping the bill more broadly or building onto this bill in future sessions to ensure Marylanders are protected from surveillance pricing across the economy.

¹⁹ Jay Stanley, “*Surveillance Pricing*” Hurts Consumers, Incentivizes More Corporate Spying on Them, ACLU (Sept. 12, 2025), <https://www.aclu.org/news/privacy-technology/surveillance-pricing>.

²⁰ Seth Frotman & Tara Mikkilineni, *The Trump Administration Wants to Reboot Redlining*, Jolt Digest (July 7, 2025), <https://jolt.law.harvard.edu/digest/the-trump-administration-wants-to-reboot-redlining>.

²¹ Jennifer Valentino-DeVries, Jeremy Singer-Vine & Ashkan Soltani, Websites Vary Prices, Deals Based on Users' Information, Wall Street Journal (last updated Dec. 12, 2012), <https://www.wsj.com/articles/SB10001424127887323777204578189391813881534>.

²² FTC Study at 7; AI Now Institute et al., *supra* note 18 at 5; Kloczko, *supra* note 10, at 1–2.

- B. H.B. 895’s protections could be strengthened and harmonized with other state laws by relying on the definition of “personal data” that already exists in Maryland law rather than defining a new “surveillance data” term.*

The Maryland legislature need not reinvent the wheel by creating a new definition for “surveillance data,” risking unpredictable and inconsistent enforcement and confusion for businesses trying to comply with multiple state laws related to privacy. The Maryland Online Data Privacy Act of 2024 already contains a definition of “personal data” that should be substituted for the definition of “surveillance data” in H.B. 895. First, this definition of personal data is one that businesses in Maryland are already familiar with, allowing for predictability and consistency in compliance with the law. Second, the definition of “personal data” is one that is the same or similar to other state laws, allowing for consistency between states. Third, the definition of “personal data” is more robust, covering any information that is “linked or can be reasonably linked,” and is not limited by the means of collection, in contrast to the definition of “surveillance data” in H.B. 895. Fourth, the amendment would not weaken protections because “personal data” as already defined in Maryland is the raw material for surveillance pricing. Lastly, the definition of “surveillance data” contains terms that are undefined, such as “consumer information,” which unnecessarily creates ambiguity when a robust definition for personal data already exists in Maryland law.

- C. H.B. 895’s current exception for discounts in the definition of “dynamic pricing” is unnecessary and risks creating a large loophole, so this exception should be struck or significantly narrowed.*

Surveillance pricing techniques are not necessary to provide discounts to users, and the “discounts” enabled by surveillance pricing often are not discounts at all. Thus, H.B. 895 should be amended to remove the exception for discounts in the definition for “dynamic pricing.”

“Discounts” and “savings” offered through surveillance pricing are meaningfully different from traditional discounts in ways that make them worse for consumers.²³ A business can offer meaningless surveillance-pricing “discounts” when the business sets the list price higher than what any given consumer is likely to pay, then offers each customer a personalized “discount” that results in the maximum price that specific customer would be willing to pay.²⁴ For example, if the list price of a box of cereal traditionally sold for \$5 is raised to \$9, each customer could receive an individualized “discount,” many of which result in a price paid of far more than \$5. A consumer would perceive they are getting a discount without realizing that they are not actually getting a good deal. This practice can also be used to induce purchases by appealing to consumers’ desire to jump on a “good deal.” For example, the investigation of Instacart found that while Instacart shoppers at the same grocery location saw the same sale price for a bottle of ketchup, they saw different original

²³ Ma, *supra* note 3.

²⁴ Stephanie T. Nguyen, *The Next Frontier of Surveillance: Investigating Pricing Systems*, Yale Journal on Regulation (Sept. 21, 2025), <https://www.yalejreg.com/nc/the-next-frontier-of-surveillance-investigating-pricing-systems-by-stephanie-t-nguyen/>.

list prices, potentially intimating the consumer is viewing a steep, time-limited discount and inducing more purchases.²⁵ Even if consumers end up paying the same price for a product, surveillance pricing can artificially improve the consumer’s perception that they received a discount, misleading consumers about how much they saved.²⁶

This is far different and worse for consumers than traditional discounts where customers know the list price for a product or service, the discount amount, the reason for the discount, and whether other consumers are receiving the same discount or not. These factors help a customer determine whether they are receiving a good deal. Businesses often offer discounts when they have excess inventory and lower demand, to compete with other sellers, to offer holiday sales, or for many other reasons that should be clearly communicated to consumers. Consumers are familiar with Black Friday sales, end-of-season sales, and happy hour prices for that reason. This practice helps consumers determine whether a discount is actually a good deal. By contrast, businesses use surveillance pricing to set different list and discount prices for different consumers based on inferences about what each consumer is willing to pay, without explaining the basis for the prices.²⁷

Business executives’ own descriptions of the practice undercut discounts as a meaningful way to reduce costs for consumers. Using surveillance pricing to allow every consumer to save money would undermine corporations’ profit-making mandate, making such a contention illogical. Further, the consultants and executives discuss surveillance pricing strategies as revenue-increasing, rather than cost-cutting.²⁸ For instance, a Delta Airlines executive told investors that using surveillance pricing would yield higher revenue, before the backlash.²⁹ Even modern loyalty programs, which businesses tout as a way to benefit consumers, are often used to gather even more personal data to extract and sell, target hyper-personalized offers and discounts, and degrade consumer benefits over time.³⁰ Today, the sale and abuse of customer data can generate more profit for companies than their actual business does.³¹

Businesses can offer discounts transparently without algorithmically setting prices using personal data. Historically, businesses have offered discounts and benefits based on certain personal characteristics that customers voluntarily share with businesses, such as student discounts, senior discounts, teacher and educator discounts, or government employee and veteran discounts.³² Some

²⁵ *Id.*

²⁶ Instacart Investigation at 12.

²⁷ *Id.* at 5.

²⁸ FTC Study at 10; Kravitz, *supra* note 20; Ma, *supra* note 3.

²⁹ Kelly McCarthy, *How Delta Is Using AI for Ticket Pricing and What It Means for air travel*, ABC News (Aug. 5, 2025), <https://abcnews.go.com/GMA/Travel/delta-ai-ticket-pricing-means-air-travel/story?id=124343088>.

³⁰ See Levine & Nguyen, *supra* note 6, at 6, 16.

³¹ *How Loyalty Programmes Are Keeping America’s Airlines Aloft*, The Economist (Aug. 6, 2025), <https://www.economist.com/business/2025/08/06/how-loyalty-programmes-are-keeping-americas-airlines-aloft>.

³² See Sherman, *supra* note 4.

businesses offer membership programs that set out the benefits that members can expect so that consumers can assess the cost versus the benefit, and customers are not required to participate in these discount programs if they do not wish to share the relevant information with a particular business. These discounts differ from surveillance pricing in other important ways: Retailers clearly communicate the basis for these discounts, these programs are difficult to game, and these discount programs reflect broadly accepted societal views about the abilities of certain groups to pay or circumstances that warrant lower prices.³³ Surveillance pricing, on the other hand, sets different prices for individuals surreptitiously, based on criteria unknown to the consumer, and consumers have no way to refuse participation given the vast troves of personal data about every person that is available for retailers to purchase and compile.

We recommend that Section 13–321(A)(3)(II) be removed from the definition of “dynamic pricing.” There is no consumer benefit to including a wholesale exclusion of discounts, promotional offers, or loyalty program benefits from the definition of dynamic pricing. Discount programs that are not based on surveillance pricing, like those discussed above, do not result in varying prices within a business day, meaning they would not fall under this prohibition on surveillance pricing in the first place. Using a promotional offer to set lower prices in a certain time of day—which this exception in the “dynamic pricing” definition currently allows—is simply engaging in harmful surveillance pricing by another name.

We also recommend the prohibition in Section 13–321(B) be amended to read, “A FOOD RETAILER MAY NOT ENGAGE IN DYNAMIC PRICING OR USE SURVEILLANCE DATA TO SET A PRICE OR OFFER A DISCOUNTED PRICE FOR CONSUMER GOODS OR SERVICES FOR A SINGLE CONSUMER OR A GROUP OF CONSUMERS.” This change will make clear that personal data cannot be used to set individualized or group-based discounts algorithmically.

Lastly, we recommend that a definition for “discounted price” be added to read, “Discounted price means a price that is verifiably lower than the widely available and publicly disclosed bona fide market price” to address the issue of showing artificially high list prices and offering targeted, personalized discounts. This will ensure that discounts offered by retailers are truly discounts as people typically understand this term and not a “discount” a retailer offers off of a listed price that is higher than an item’s actual price to make customers feel like they are saving money.

D. H.B. 895 should have narrower exceptions to discounts and differential pricing that do not harm consumers.

There are several ways that prices and discounts are offered based on personal data that are uncontroversial and do not harm consumers. H.B. 895 should be amended to accommodate those scenarios.

³³ *Id.*

First, H.B. 895 should allow businesses to charge different prices for products if the price differential is solely based on cost differences in providing the good or a service. For example, a business can charge higher prices to deliver a good based on the consumer's location data if the cost to deliver the good is higher because the consumer lives further away.

Second, uncontroversial discounts such as student or senior discounts, membership discounts or discounts based on how many items the consumer has bought before (i.e. buy 10 coffees and get one free) should be exempted from the law's coverage. While those discounts depend on personal data, they are based on publicly known conditions, are generally uncontroversial because they reflect social norms about a customer's ability to pay or benefits they should receive, and are not applied based on surreptitious data collection and price adjustments. Currently, the law would prohibit such discounts in grocery stores, even though they do not threaten consumer privacy. We recommend the bill exempt publicly communicated discounts that are offered to all consumers or large and defined groups of consumers, that are clear about the eligibility criteria that the consumer needs to meet, and that consumers affirmatively make the choice to claim. This way, the bill can preserve discounts that help lower the costs of groceries for Maryland consumers that do not pose a threat to their privacy.

* * *

EPIC commends Governor Moore and Maryland lawmakers for prioritizing the privacy of their constituents and recognizing the detrimental impact that surveillance pricing has on everyday people. With a few key amendments, H.B. 895 would better protect Maryland residents from unfair practices while keeping popular discounts that don't pose a threat to their privacy. We urge the Committee to advance this important legislation.

Thank you for the opportunity to testify today. EPIC is happy to be a resource to the Committee on these issues.

Sincerely,

/s/ Caitriona Fitzgerald

Caitriona Fitzgerald
EPIC Deputy Director

/s/ Tom McBrien

Tom McBrien
EPIC Counsel

/s/ Kara Williams

Kara Williams
EPIC Counsel

/s/ Mayu Tobin-Miyaji

Mayu Tobin-Miyaji
EPIC Law Fellow

UFCW 400 Favorable with Amendments on HB0895 - Sur

Uploaded by: Kayla Mock

Position: FWA

Testimony for HB0895

Favorable With Amendments

Protection From Predatory Pricing Act

February 27, 2026

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

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

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

In the mid-19th century, the Quakers pioneered fixed pricing 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.

Companies already admit to doing this, claiming that the data they collect and how they use it is solely to drive prices down through personalized pricing in apps, targeted coupons, and reward programs.

This bill does not aim to harm that practice; its goal is to stop the nefarious side of surveillance pricing: determining the maximum amount a customer would be willing to pay for a product based on their data collected.

Companies claim that price maximization based on data is not widespread; however, several studies have shown that it is widespread online. Multiple studies, including one extensive study from Goundwork Collaborative in December 2025, found that “Instacart basket totals varied by an average of about 7% for the exact same items from the exact same locations, at the exact same time.” They go on to project that “based on the average of about 7% difference in basket totals and the amount that Instacart says the average household of four spends on groceries in the U.S., that could translate into **a cost swing of about \$1,200 per year.**”

Companies that are already deploying these targeted price modifications online are investing heavily in technology and AI to bring it to real-time brick-and-mortar stores.

We appreciate Governor Moore and his team for their work on this bill, especially in a time when grocery prices in Maryland have risen over 7% in the last year, according to Consumer Affairs (<https://www.consumeraffairs.com/finance/cost-of-groceries-by-state.html>).

While we support HB0895, we believe it is **missing a critical piece** to be truly successful in banning the predatory practice of surveillance pricing – **the ban of electronic shelf labels.**

Electronic shelf labels are a piece of a surveillance technology puzzle that makes prices change at the push of a button (see attached model).

Companies use consumer profiles they already have, compiled or purchased, and store them in their proprietary AI systems. By integrating data profiles with AI, along with facial recognition cameras and customer-tracking software, companies deploy electronic shelf labels to adjust prices based on who is shopping in the stores.

In 2024, two US Senators wrote a letter to Kroger concerned over its use of electronic shelf labels (<https://www.grocerydive.com/news/kroger-electronic-shelf-labels-instore-technology-senators-inflation/723939/>), seeking answers around “Kroger’s ESL device, called Enhanced Display for Grocery Environment (EDGE) Shelf, also threatens consumer privacy, according to the senators. In partnership with Microsoft, Kroger plans to place cameras on its EDGE Shelf displays and use facial recognition to determine information about its shoppers, including gender and age, to push personalized offers and advertisements.”

In January 2025, outgoing FTC Chair Khan released a study on surveillance pricing and the use of ESLs (https://www.ftc.gov/system/files/ftc_gov/pdf/p246202_surveillancepricing6bstudy_researchsummaries_redacted.pdf); however, with the new administration, the study was terminated.

Additionally, electronic shelf labels also impact workers' jobs. 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 hours and wages lost for these employees.

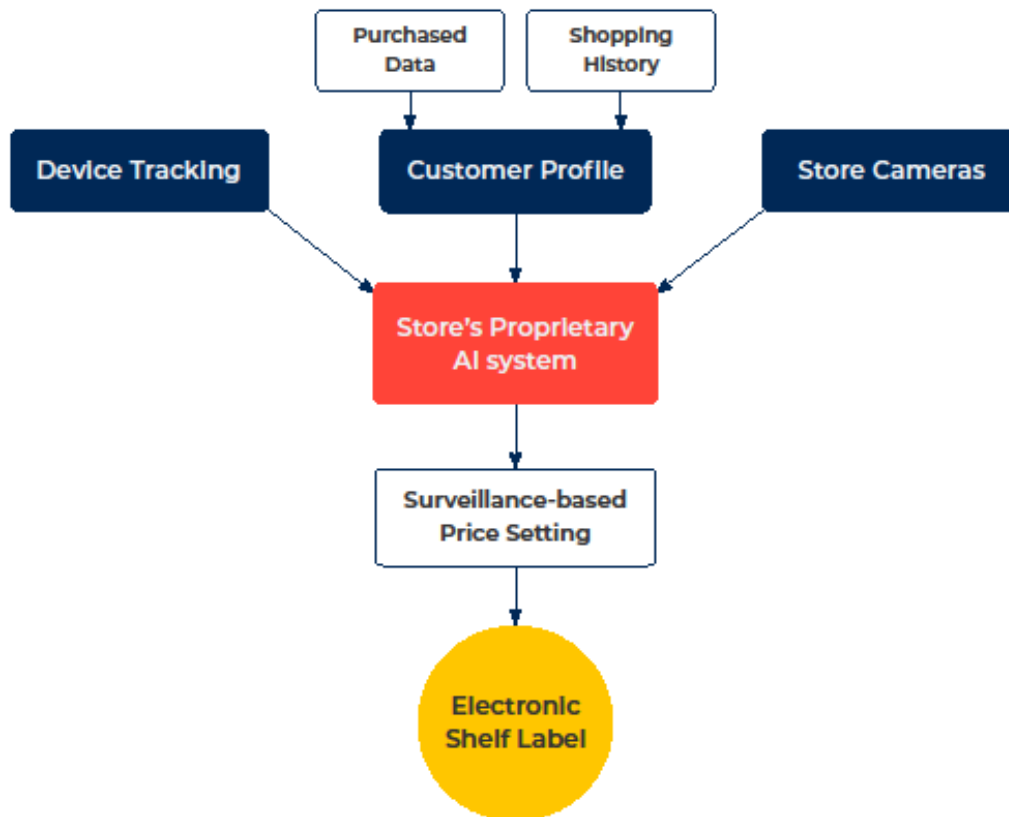
Lastly, ESL's bring customer confusion, frustration, and anger when prices change suddenly and without transparency. Employees are already experiencing this on the front lines: when customers see price changes in the app, in-store employees are confronted with explaining or mediating the situation.

Paper tags are the best protection for consumers and employees and are affordable.

We urge a favorable report on HB0895, including the ban on electronic shelf labels.

ELECTRONIC SHELF LABELS FACILITATE DISCRIMINATORY PRICING IN GROCERY STORES

ESL technology can incorporate vast amounts of personal data which can be used to set different prices for different people in real time. Using personal customer data compiled into a customer profile, a store can use an AI system to calculate the maximum amount of money a customer is willing to pay, and reflect that number on the ESL when the customer is in the aisle.



The United Food and Commercial Workers (UFCW) represents highly trained grocery professionals who work on the frontlines to keep our communities fed. ESLs can lead to job loss in the grocery sector and higher grocery prices for consumers.



MD HB895 Testimony.pdf

Uploaded by: Nelson Hill

Position: FWA



**Testimony of
Nelson Hill
United Food and Commercial Workers Union Local 27**

before the

**Maryland House Economic Matters Committee
March 3, 2026**

regarding

HB 895-Protection from Predatory Pricing Act

Thank you Chair Valsderama, Vice-Chair Charkoudian and all the members of the House Economic Matters Committee for the opportunity to testify on HB 895, the Protection from Predatory Pricing Act. This is an enormously important issue for consumers. Electronic Shelf Labels (ESLs) are a new technology being deployed in grocery stores that threaten family budgets, and the public's privacy and UFCW urges you to vote in favor of HB 895 with amendments.

I serve as the Vice President of UFCW Local 27. At Local 27, we represent members at worksites across grocery, retail, healthcare, meat packing, food processing, and the cannabis industry. Along with our partner local in Maryland, UFCW Local 400, UFCW represents more than 22,000 workers in the state. Our mission is to secure a living wage, good benefits, and a positive work environment for our members.

In its current form, HB 895 is an incomplete bill because it is missing the most important element to make this policy work. To protect customers from the predatory and dangerous overreach of surveillance pricing, this bill must be amended to include a ban on electronic shelf labels. Governor Moore understands the dangers of ESLs and the need to ban its use in grocery stores, and we thank him and his office for their vocal support to amend this bill to include such a ban.

Grocery chains across the country are rapidly rolling out ESLs – essentially, digital price tags that can change in an instant. Large grocery chains are already using ESLs around the country. Wal-Mart has announced it will bring ESLs to 2,300 of its stores by 2026. Kroger began using ESLs in dozens of stores in 2018, targeting 500 stores by 2023.

With the help of AI and surveillance technologies, ESL systems can pull in massive amounts of personal data which can be used to charge different customers different prices based on who they are. This could mean a future where factors like race, gender, and financial circumstance could

influence how much you pay at checkout. Kroger has 60 million household profiles by its own admission and is now selling that household data to advertisers and other businesses.

With electronic shelf labels, companies can change the price of an item at the drop of a hat without any warning. Prices could spike at peak hours, when companies know the store will be full of customers looking to shop quickly. ESLs can change so quickly, the price of an item could change before a customer reaches the cash register. With ESLs there is no way for us to know when we are getting a deal and when the store is squeezing us for every dollar it thinks it can get.

We are seeking to ban the use of electronic shelf labels because food is a necessity, and the price should be clearly understood. This technology is so dangerous that even with well-meaning regulations, consumers can still be gouged to feed their families.

A ban on ESLs is necessary, and this bill must be amended accordingly. I urge you to amend HB 895 and pass it. Thank you for your time.

Ad Trade Letter in Opposition to Maryland HB 895 (

Uploaded by: Adam Wadsworth

Position: UNF



February 24, 2026

Delegate Joseline A. Peña-Melnyk
Speaker, House of Delegates
State House, H-101
State Circle
Annapolis, Maryland 21401

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

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

Delegate Gabriel Acevero
415 Lowe House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Letter in Opposition to Maryland HB 895

Dear Speaker Peña-Melnyk, Chair Valderrama, Vice Chair Charkoudian, and Delegate Acevero:

On behalf of the advertising industry, we write to oppose Maryland HB 895.¹ We provide this letter to offer our non-exhaustive list of concerns about this bill. HB 895 would significantly limit Maryland consumers' access to discounts and special pricing by banning the practice of "dynamic pricing," banning the use of "surveillance data," and creating a private right of action by tying enforcement to the Maryland Consumer Protection Act. Accordingly, we ask you to decline to advance the bill as drafted out of the House Economic Matters Committee ("Committee").

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

¹ Maryland HB 895 (2026 Session), located [here](#) (hereinafter, "HB 895").

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

³ *Id.* at 15-16.

I. HB 895 would limit access to discounts and special pricing offers that Maryland consumers rely on to manage everyday costs.

HB 895, unfortunately, would not preserve the value of discounts to Marylanders, resulting in higher prices for consumers. Under the bill, a business would be prohibited from engaging in “dynamic pricing” or using “surveillance data” to set a price for consumer goods or services.⁴ In practice, these restrictions would prohibit consumer-friendly pricing practices that Marylanders encounter and value every day. For example, HB 895 would make it unclear whether it would be permissible for a grocery retailer to use zip code-based location data and purchase history to offer a consumer who regularly purchases fresh produce a targeted discount on surplus fruits nearing their sell-by date. Under the bill, these types of information may be classified as “consumer information” collected through “technological methods, systems, or tools” and thus be treated as “surveillance data.”⁵ Although this type of personalized discount benefits consumers through lower prices, reduces food waste, and helps retailers manage inventory more efficiently, it may be swept into the bill’s broad prohibition simply because it relies on consumer information that may be deemed “surveillance data.”

Further, although HB 895 excludes certain activities from its definition of “dynamic pricing,” including promotional pricing offers, loyalty program benefits, or other temporary discounts or pricing changes intended to retain existing customers, those exclusions do not meaningfully resolve the problem.⁶ First, the bill would still significantly restrict the availability of discounts and special pricing for ordinary consumers who are *not* enrolled in a loyalty program and for whom the business is not specifically seeking to encourage continued patronage. Second, and more importantly, those exclusions do not apply to use of “surveillance data,” which is separately defined and also flatly prohibited under the bill. As a result, promotional pricing, loyalty program benefits, and temporary discounts that are expressly excluded when categorized as “dynamic pricing” may nonetheless be prohibited when the same conduct is categorized as use of “surveillance data.” This internal inconsistency creates substantial uncertainty for retailers and risks chilling consumer-friendly pricing practices that HB 895 does not appear intended to ban.

II. HB 895 should not tie enforcement to the Maryland Consumer Protection Act or allow for a private right of action.

HB 895 would amend the Maryland Consumer Protection Act (“MCPA”) by adding § 13-421.⁷ Effectively, enforcement of this new section would be able to proceed not just through government action but through private lawsuits under the MCPA’s private right of action.⁸ As a

⁴ HB 895 § 13-321(B).

⁵ HB 895 § 13-321(A)(5).

⁶ HB 895 § 13-321(A)(3)(II).

⁷ HB 895 § 13-321 (“By adding to Article – Commercial Law Section 13-321 Annotated Code of Maryland”).

⁸ Md. Code Ann., Com. Law § 13-401.

result, a business offering cost-reducing coupons could be subject to a private right of action if such activity is deemed an impermissible use of “surveillance data.” We strongly believe a private right of action would be an inappropriate enforcement mechanism for this bill. Instead, enforcement should be vested with the Attorney General (“AG”) alone, because such an enforcement structure would lead to stronger outcomes for Maryland residents while better enabling businesses to allocate resources to developing processes, procedures, and plans to facilitate compliance with the bill’s new requirements. AG enforcement, instead of a private right of action, is in the best interests of consumers and businesses alike.

The possibility of a private right of action in HB 895 would create a complex and flawed compliance system without tangible benefits for consumers. Allowing private actions will flood Maryland’s courts with frivolous lawsuits driven by opportunistic trial lawyers searching for technical violations, rather than focusing on actual consumer harm.⁹ Private right of action provisions are completely divorced from any connection to actual consumer harm and provide consumers little by way of protection from detrimental data practices.

Additionally, a private right of action would have a chilling effect on the Commonwealth’s economy by creating the threat of steep and unforeseeable costs for companies that are good actors but inadvertently fail to conform to technical provisions of law. Private litigant enforcement provisions do not effectively address consumer protection concerns or deter undesired business conduct. They expose businesses to extraordinary and potentially enterprise-threatening costs for technical violations of law rather than drive systemic and helpful changes to business practices. A private right of action would also encumber businesses’ attempts to innovate by threatening companies with expensive litigation costs, especially if those companies are visionaries striving to develop transformative new technologies. The threat of an expensive lawsuit may force smaller companies to agree to settle claims against them, even if they are convinced they are without merit.¹⁰

⁹ A select few attorneys benefit disproportionately from private right of action enforcement mechanisms in a way that dwarfs the benefits that accrue to the consumers who are the basis for the claims. For example, a study of 3,121 private actions under the Telephone Consumer Protection Act (“TCPA”) showed that approximately 60 percent of TCPA lawsuits were brought by just forty-four law firms. Amounts paid out to consumers under such lawsuits proved to be insignificant, as only 4 to 8 percent of eligible claim members made themselves available for compensation from the settlement funds. U.S. Chamber Institute for Legal Reform, *TCPA Litigation Sprawl* at 2, 4, 11-15 (Aug. 2017), located [here](#).

¹⁰ For instance, in the early 2000s, private actions under California’s Unfair Competition Law (“UCL”) “launched an unending attack on businesses all over the state.” American Tort Reform Foundation, *State Consumer Protection Laws Unhinged: It’s Time to Restore Sanity to the Litigation* at 8 (2003), located [here](#). Consumers brought suits against homebuilders for abbreviating “APR” instead of spelling out “Annual Percentage Rate” in advertisements and sued travel agents for not posting their phone numbers on websites, in addition to initiating myriad other frivolous lawsuits. These lawsuits disproportionately impacted small businesses, ultimately resulting in citizens voting to pass Proposition 64 in 2004 to stem the abuse of the state’s broad private right of action under the UCL. *Id.*



Beyond the staggering cost to Maryland businesses, the resulting snarl of litigation could create a chaotic and inconsistent enforcement framework with conflicting requirements based on differing court outcomes. Overall, the possibility of a private right of action would serve as a windfall to the plaintiff’s bar without focusing on the business practices that actually harm consumers. We therefore encourage the Committee to clarify that HB 895 does not create a private right of action under any law and vests enforcement authority with the AG alone.

* * *

We respectfully ask the Committee not to advance HB 895. 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

HB0895 -- Food Retailers - Dynamic Pricing, Survei

Uploaded by: Brian Levine

Position: UNF



House Bill 895 -- *Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)*
House Economic Matters Committee
March 3, 2026
Oppose

The Montgomery County Chamber of Commerce (MCCC), the voice of business in Metro Maryland, opposes House Bill 895 -- *Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)*.

House Bill 895 prohibits a food retailer from engaging in the practice of dynamic pricing or using consumer surveillance data to set a price for consumer goods or services.

While MCCC agrees that protecting consumers is essential, businesses have expressed concern that the broad or ambiguous use of the term surveillance data may unintentionally encompass legitimate, privacy-respecting tools that support everyday commercial activity. The Chamber is concerned that surveillance data and dynamic pricing currently lack widely accepted technical or legal definitions. For example, common practices such as targeted promotions or loyalty programs could be interpreted as falling within the broad language used in Senate Bill 387.

Businesses in food retail, as well as those in other industries, are apprehensive that legislation of this kind could impede 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 or adjust prices efficiently. Additionally, limiting these technologies may introduce significant operational costs and create uncertainty, making it more challenging for companies to remain competitive in Maryland.

While MCCC appreciates the intent of this bill, concerns remain about its ambiguity and the potential unintended consequences for food retailers, an important sector of Maryland's economy.

For these reasons, the Montgomery County Chamber of Commerce opposes House Bill 895 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*

Chamber of Progress_MD HB 895_Oppose.pdf

Uploaded by: Brianna January

Position: UNF



March 3, 2026

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

RE: Oppose HB 895 - "Food Retailers – Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements"

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 895**, which would harm consumers in Maryland.

We share the General Assembly's concern about affordability. The cost of living is the top issue facing American families,¹ and we understand the impulse to ensure shoppers are getting a fair deal at the grocery store. But **HB 895 risks backfiring on the very families it aims to help**. Its sweeping ban on "surveillance data" pricing would jeopardize the digital coupons, loyalty rewards, and targeted deals that help Maryland families stretch their budgets, and its restriction on varying prices within a business day could prevent grocers from marking down perishable goods approaching expiration, a practice that saves consumers money and reduces food waste.

Personalized grocery pricing in practice: coupons, discounts, and savings that help Maryland shoppers

The term "surveillance pricing" suggests that grocery stores are using personal data to charge individual shoppers higher prices. **But despite widespread speculation, there is no conclusive evidence that this is actually happening**. What grocers overwhelmingly use consumer data for is the opposite: offering discounts, coupons, and targeted promotions that help families save money.

¹ 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>

This should not be surprising. Grocery retail is an intensely competitive business. Across supermarkets, warehouse clubs, online delivery, and neighborhood markets, grocers compete vigorously for every sale. In a market where shoppers can compare prices with a few taps on their phone, using personal data to charge a customer more is a losing strategy – a competitor will simply offer a better price and win the sale.

Personalized pricing is already a familiar part of grocery shopping. In practice, data-driven grocery pricing looks like this:

- *Personalized coupons.* A grocery chain that uses a shopper's purchase history to offer a coupon on items they buy regularly – a parent who regularly buys children's cereal receiving a timely discount when a new brand hits the shelves.
- *Senior, military, and student discounts.* A grocer that verifies group membership and offers a percentage off to eligible customers, a practice that helps stretch fixed incomes and tight budgets.
- *New parent deals.* A grocery store that notices a customer has started buying diapers and formula and sends them targeted coupons on baby essentials, helping a family manage costs during an expensive transition.
- *Win-back promotions.* A grocery delivery service that notices a customer hasn't placed an order in several weeks and sends them a discount on their most frequently purchased items to win back their business.
- *Budget-stretch deals.* A grocer that identifies customers who consistently buy store-brand products and sale items and directs additional savings their way, targeting discounts to the shoppers who are stretching their budgets the hardest.
- *Inventory-based offers.* A grocery store that uses purchase data to offer targeted discounts on overstocked or near-expiration items to shoppers who have bought similar products before, reducing food waste while giving families a deal.

These are not examples of “predatory pricing.” Consumers have long shown their acceptance and expectation around personalized grocery deals. 70% of consumers say they value loyalty programs,² and about 1 in 4 consumers earning under \$40,000 choose their supermarket based on loyalty program membership.³ 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.⁴

HB 895 would ban these practices and raise grocery costs for Maryland families

Under HB 895, every personalized practice described above would be prohibited or placed on uncertain legal ground. The bill bans using “surveillance data” to set prices for individual

² 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>

³ 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/>

⁴ Marigold. “2024 Global Consumer Trends Index.” *GlobeNewswire*, Jan. 16, 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>

consumers, defining the term broadly enough to cover purchase history, shopping patterns, and other information collected through loyalty cards, apps, and digital tools. That means the personalized savings that Maryland families rely on would all be swept in. The bill includes an exemption for “loyalty program benefits” and “promotional pricing offers,” but that exemption applies only to the definition of “dynamic pricing.” The separate surveillance data ban contains no such carve-out.

The bill's reach also extends well beyond grocery stores. HB 895 defines a “food retailer” as any merchant operating a 15,000-square-foot establishment that sells tax-exempt food, a definition broad enough to capture warehouse clubs, big-box retailers, and any other large store with a grocery department. And the bill's pricing restrictions apply not just to food but to all “consumer goods or services” those retailers sell. The bill's title suggests a narrow focus on food retailers, but its operative language sweeps in a significant share of Maryland's retail economy.

The bill's undefined prohibition on “protected class data” creates additional risk. HB 895 bars grocers from using protected class data to offer goods if doing so has the *effect* of denying a consumer “an accommodation, an advantage, or a privilege accorded to others.” Maryland's protected classes include age. Under an effects-based standard that requires no showing of discriminatory intent, common practices like senior discounts and student discounts could face legal challenge, since offering a price advantage to one age group necessarily withholds it from others. Whether or not the bill's authors intended this outcome, this ambiguity could have a chilling effect on beneficial, pro-consumer pricing practices.

The economic cost of eliminating these practices would be significant. **Research shows that personalized pricing delivers lower prices for the majority of consumers.⁵ Digital coupons alone save the average American household \$1,465 each year.⁶ And low-income families, especially those with children, are among the most active coupon users and deal-seekers, meaning they would bear the heaviest burden.⁷**

HB 895 does not do enough to protect intraday price reductions that benefit consumers

HB 895's ban on varying prices within a business day threatens one of the most effective tools grocers have for reducing waste and saving consumers money: marking down perishable goods as they approach their sell-by dates. Dynamic pricing of perishables can reduce grocery food waste by up to 21%,⁸ and U.S. grocers waste roughly 5 million tons of food each year.⁹ The bill's exemptions for “promotional pricing offers” and “temporary discounts” may

⁵ Jean-Pierre Dube and Sanjog Misra. “Personalized Pricing and Consumer Welfare.” *Journal of Political Economy* 131, no. 1 (2023): 131-189. <https://www.journals.uchicago.edu/doi/10.1086/720793>

⁶ Elyssa Kirkham. “Study: Skipping Online Coupons Could Cost You \$1,465 Per Year.” *CouponFollow*, May 19, 2021. <https://couponfollow.com/research/coupon-data-study>

⁷ 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>

⁸ Brian Maloney. “Digital Labels Can Help Grocers Waste Less Food.” *McCombs News*, Dec. 17, 2024. <https://news.mcombs.utexas.edu/research/digital-labels-can-help-grocers-waste-less-food/>

⁹ SOLUM. “New Retail Innovation May Eliminate Food Waste For Good.” Dec. 8, 2020. <https://www.solumesl.com/en/insights/use-esl-to-reduce-retail-food-waste>

have been intended to preserve these markdowns, but the exemptions were designed around marketing promotions and customer retention, not inventory management.

A grocer marking down chicken at 4pm because it expires tomorrow fits the bill's definition of banned "dynamic pricing," and the exemptions do not clearly say otherwise. **The bill does not give grocers the legal clarity they need to adopt these practices with confidence, and risk-averse grocers will respond by pulling back, meaning more food wasted and higher shelf prices to absorb the losses.**

The technology that makes dynamic markdowns practical, electronic shelf labels, is already proving its value in the United States and Europe, where major retailers use ESLs to reduce food waste, improve price accuracy, and cut labor costs for price management by up to 80%.¹⁰ Critics worry ESLs will be used to raise prices, but **the largest peer-reviewed study of ESLs in U.S. grocery stores found the opposite.** Researchers analyzed over 180 million product-level observations across 114 stores and found that surge pricing was "basically nonexistent" both before and after ESL adoption, while discounts were slightly *more* common afterward.¹¹ **If the General Assembly's goal is to protect consumers from price increases, HB 895 should explicitly protect price decreases.**

HB 895 would put Maryland consumers and businesses at a unique disadvantage

No other state has enacted a comparable restriction on retail pricing. If HB 895 becomes law, **Maryland residents would face unique restrictions on discounting practices that consumers in every other state continue to enjoy.** A family in College Park would lose access to personalized savings that a family shopping minutes away in Northern Virginia or DC continues to receive.

The bill would also put Maryland retailers at a competitive disadvantage against rivals that face no such constraints. Maryland borders five jurisdictions, and shoppers from Cumberland to Ocean City to the DC suburbs can easily cross state lines to stores that continue offering the full range of personalized deals and dynamic markdowns. **Retailers operating in Maryland would bear the compliance costs and lose the pricing tools that their competitors in neighboring states use freely.**

Similar algorithmic pricing bans have been introduced in legislatures across the country, and they have repeatedly stalled or failed to advance. The reason is straightforward: **Broad bans on personalized pricing inevitably capture the very savings tools that consumers rely on.** HB 895 asks Maryland to ban a hypothetical, speculative harm while eliminating the real, documented savings that families depend on every day.

¹⁰ Jessica Vician. "Electronic Shelf Labels Deliver Flexibility & Eliminate Pricing Errors." *IGA Insights*, Jul. 19, 2023. <https://www.iga.com/insights/electronic-shelf-labels>

¹¹ Ioannis Stamatopoulos et al. "Electronic Shelf Labels Have Not Led to Surge Pricing in US Grocery Retail, Despite Regulator Concerns." *SSRN*, May 27, 2025. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5271491

For these reasons, **I respectfully urge you to oppose HB 895.** We are happy to be a resource as you continue working on this issue, and we welcome the opportunity to discuss narrowly tailored alternatives that address discriminatory pricing without restricting the pro-consumer practices Maryland families rely on.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna January". The signature is fluid and cursive, with the first name being more prominent.

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

PDF_[MD] HB 895_SP_TechNet .pdf

Uploaded by: margaret durkin

Position: UNF

February 27, 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 895 (Speaker) - Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)

Dear Chair Valderrama and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on HB 895.

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 103 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. 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.

Our members support fair pricing practices, but we believe that HB 895 is overly broad and will harm consumers through higher prices and reduced innovation. Data-driven pricing enables lower average prices, better inventory management, and reduced food waste. Our members have invested billions in pricing technology, inventory management, and customer experience systems that rely on data-driven pricing optimization, and have used the technology responsibly for years to improve the consumer experience, lower prices for customers, and enhance competition.

We believe that the bill could be improved in three areas – definitions, prohibitions, and enforcement - and have provided suggested edits below this letter.

Definitions

The bill creates multiple novel definitions, some of which conflict with the Maryland Online Data Privacy Act (MODPA). For instance, the definition of “surveillance data” differs from the existing definition of “personal data” from the MODPA. While the rhetoric around the bill implies applicability only to brick-and-mortar grocery stores, the definitions are broad enough to capture a much larger universe of retail. For example, our read of the bill is that the “Food Retailer” definition could capture a small business that sells packaged coffee beans online from its 15,000 square foot warehouse. The definition of “Surveillance Data” clearly applies to both a “physical or digital environment”. Finally, the vague definition of “Dynamic Pricing” could capture routine, uncontroversial practices used to assess supply and demand across stores or markets, and prohibit standard retail activities such as adjusting prices based on inventory levels, expiration dates, or competitive positioning.

Prohibitions

We do not object to prohibiting personalized price increases for individual consumers, but the current language is much broader than that. For example, the prohibition, on the use of surveillance and dynamic pricing, as drafted, applies to setting prices for a “group of consumers,” a vague term that could be read to include all consumers within a geographic area or store. Combined with the broad definition of “surveillance data,” the prohibition on the use of “dynamic pricing” would restrict merchants’ ability to adjust prices based on localized supply, demand, inventory, or costs—longstanding pricing practices that help manage costs and keep baseline prices lower.

Enforcement

Finally, the bill’s current language is silent on violations and enforcement, but by placing the title within the Maryland Consumer Protection Act, the legislation would create a private right of action (PRA). In our view, PRAs lead to frivolous lawsuits and only benefit a subset of industry operating in the litigation space.

We believe that HB 895 will put Maryland at a competitive disadvantage by creating an uneven playing field. Other industries known to use customer data in pricing decisions are exempt while both online and brick and mortar retailers are targeted. Without the ability to optimize pricing dynamically, stores must price conservatively, leading to higher average prices. This bill will also reduce businesses’ ability to offer targeted promotions and personalized discounts to price-sensitive customers, and will limit markdown capabilities on perishables, increasing food waste and costs passed to consumers.

For the reasons stated above, TechNet is respectfully opposed to HB 895 in its current form. Please don’t hesitate to reach out with any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

Page 1, line 2, strike **DYNAMIC** and insert **SURVEILLANCE**

Page 2, lines 20-28 strike language and insert:

(3) "SURVEILLANCE PRICING" MEANS THE PRACTICE OF USING ARTIFICIAL INTELLIGENCE TO OFFER OR DISPLAY AN INDIVIDUALIZED PRICE INCREASE FOR A SPECIFIC CONSUMER BASED ON SURVEILLANCE DATA OF SUCH CONSUMER.

(4) "BASELINE PRICE" MEANS, WITH RESPECT TO A GOOD OR SERVICE, THE THEN-CURRENT PRICE GENERALLY MADE AVAILABLE TO CONSUMERS IN A GIVEN REGION BY THE SUPPLIER, EXCLUDING LOYALTY OR CLUB MEMBER PRICING, PROMOTIONAL OFFERS, LIMITED TIME SALES, DISCOUNTS, OR ADDITIONAL FEES FOR PREMIUM OR ADDITIONAL FEATURES.

(5) (I) "INDIVIDUALIZED PRICE INCREASE" MEANS A PRICE FOR A GOOD OR SERVICE THAT IS ABOVE THE BASELINE PRICE AND IS SET FOR A CONSUMER BASED ON SURVEILLANCE DATA.

(II) "INDIVIDUALIZED PRICE INCREASE" DOES NOT INCLUDE PRICE DIFFERENCES BASED ON:

(I) COSTS ASSOCIATED WITH PROVIDING THE GOOD OR SERVICE TO DIFFERENT CONSUMERS, FOR EXAMPLE PRICE CHANGES ATTRIBUTABLE TO INVENTORY, SUPPLY CHAIN, ORDER FULFILLMENT, TAXES, SHIPPING, OR DELIVERY; OR

(II) NON-INDIVIDUALIZED FACTORS SUCH AS CURRENT MARKET DEMAND, PUBLIC COMPETITOR PRICING OR TIME-OF-DAY.

(6) "PERSONAL DATA" HAS THE MEANING STATED IN §13-4701 ONLINE DATA PRIVACY ACT.

(7) "PROTECTED CLASS DATA" MEANS INFORMATION ABOUT AN INDIVIDUAL PERSON OR GROUPS OF PEOPLE THAT DIRECTLY, IN COMBINATION, OR BY IMPLICATION IDENTIFIES A CHARACTERISTIC THAT IS LEGALLY PROTECTED FROM DISCRIMINATION UNDER THE LAWS OF THIS STATE OR UNDER FEDERAL LAW.

On page 3, lines 1-7, strike language.

Rationale:

TechNet's suggested language clearly defines surveillance pricing as limited to individualized price increases and provides a definition of "Individualized Price Increase" in relation to "Baseline Price". These changes also distinguish individualized price increases from price differences that may be associated with costs of providing the good to the customer, such as taxes or costs of delivery. Additionally, the suggested language removes the definition of "Dynamic Pricing", allowing retailers to offer time-of-day discounts, such as lowering the price of bakery goods or prepared foods at the end of the day to prevent food waste. Instead of creating a novel definition of "Surveillance Data", we suggest the definition of "Personal Data" in accordance with the Maryland Online Data Privacy Act:

- (w)(1) "Personal data" means any information that is linked or can be reasonably linked to an identified or identifiable consumer.
- (2) "Personal data" does not include:
 - (i) De-identified data; or
 - (ii) Publicly available information.

Finally, these changes clearly define "Protected Class Data".

Page 3, lines 8-10, strike and replace prohibition language with the following:

(B) A FOOD RETAILER MAY NOT ENGAGE IN SURVEILLANCE PRICING.

Rationale:

This language will clearly prohibit surveillance pricing as limited to individualized price increases, and aligns the prohibition with the definitions.

13.411. Enforcement

Page 3, lines 16-26 strike and insert:

(D) A VIOLATION OF THIS SECTION IS:
(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE;
(2) SUBJECT TO EXCLUSIVE ENFORCEMENT BY THE ATTORNEY GENERAL AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE EXCEPT FOR §13-408 AND §13-411 OF THIS ARTICLE; AND
(3) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED AS PROVIDING THE BASIS FOR, OR BE SUBJECT TO, A PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS CHAPTER OR UNDER ANY OTHER LAW.

Rationale:

- This language sets out clear consequences for violating the surveillance pricing provision set out in the proposed Section 13-321 of the Consumer Protection Act. It also clarifies AG-only enforcement and no private right of action (13-408 does not apply). Finally, it eliminates criminal penalties, consistent with the original language (13-411 does not apply).

CCIA Comments on MD HB 895.pdf

Uploaded by: Megan Stokes

Position: UNF



March 3, 2026

House Economic Matters Committee
Attn: Joy Jones
230 Taylor House Office Building
Annapolis, Maryland 21401

Re: HB 895 - “Protection From Predatory Pricing Act” (Oppose Unless Amended)

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

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 895 unless amended. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services can therefore have a significant impact on CCIA members.

HB 895 Would Harm Competition As Drafted

While CCIA appreciates the bill’s concern with fair pricing practices, its overly broad definitions would create greater uncertainty for businesses, likely leading to higher prices and less innovation, ultimately harming, not protecting, consumers. The bill’s broad definition of “dynamic pricing”² risks deterring innovation by banning common retail practices, such as adjusting prices based on inventory levels, expiration dates, or competitive positioning. Moreover, this vague definition risks encompassing services and industries outside the bill's scope.

The use of dynamic pricing to engage in anticompetitive conduct that excludes competitors or exploits a dominant firm’s market position is already illegal, and addressed under existing state and federal laws.³ A ban on dynamic pricing, which reduces retailers’ ability to offer better promotions and targeted discounts, would prompt retailers to adopt more conservative pricing strategies, leading to higher prices for consumers. Duplicative legislation is unnecessary and can create legal uncertainty for businesses, reducing their willingness to innovate and compete, ultimately leaving consumers worse off.

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² Maryland House Bill 895, Section 1, 13-321, (A)(3)(I), <https://mgaleg.maryland.gov/2026RS/bills/hb/hb0895F.pdf> (“‘Dynamic pricing’ means the practice of varying the prices of consumer goods or services within a business day based on demand or other factors, including through the use of artificial intelligence or models that retrain or recalibrate based on received information in near real-time.”).

³ See, e.g., Sherman Antitrust Act § 2, 15 U.S.C. § 2; Clayton Act § 2; Federal Trade Commission Act § 5, 15 U.S.C. § 45; Md. Code Ann., Com. Law §§ 13-301(1), 13-303.

General Considerations on Dynamic Pricing

The adoption of dynamic pricing strategies has increased across various sectors and industries, both online and offline, such as hospitality,⁴ concert tickets,⁵ and ridesharing.⁶ More recent iterations of dynamic pricing are further automated through the use of artificial intelligence (AI), which can aid or even surpass the need for human decision-making in designing pricing recommendations without needing advanced technical expertise.⁷

Dynamic pricing is not a new concept in food retail. When consumers buy products at local stores such as butchers and greengrocers, they can negotiate with the store owner and are likely to get a lower price later in the day, when the seller wants to clear remaining stock. Food retail and dynamic pricing have gone hand in hand for decades.⁸ The one thing that has changed is the use of new technologies in dynamic pricing, which creates more opportunities for retailers to apply this strategy and offers greater benefits for consumers. Dynamic pricing enables consumers to get products at lower prices.⁹ For retailers, dynamic pricing can allow them to increase customer satisfaction through lower prices and greater choices, optimize prices for different products, and better respond to market shifts.¹⁰

In many cases, dynamic pricing can also lead to lower, more competitive prices. For example, price comparison tools and dynamic pricing can help consumers find the best deals at any given time, saving them time and effort in searching for bargains. In addition, personalized pricing can lead to targeted discounts for consumers, allowing them access to better deals. The integration of AI in the grocery retail market has provided significant benefits not only to consumers but to small retailers as well, as they can analyze historical data and external factors to provide dynamic prices that allow them to optimize their stock levels and reduce waste.¹¹ Dynamic pricing allows grocers to adjust prices in real time based on a variety of factors, improving profitability and streamlining operations.¹²

⁴ See, e.g. KSolves, *Dynamic Pricing in Hospitality: Optimize Room Rates with Real-Time Data* (Mar. 12, 2025), <https://www.ksolves.com/blog/machine-learning/dynamic-pricing-in-hospitality>; The Globe and Mail, *Airlines increasingly using dynamic pricing for everything from luggage to legroom* (July 25, 2023), <https://www.theglobeandmail.com/investing/personal-finance/household-finances/article-airlines-dynamic-pricing-baggage-rate>.

⁵ See, e.g. Pricefx, *Ticketmaster's Dynamic Pricing: What it is and How it Works* (July 17, 2024), <https://www.pricefx.com/learning-center/ticketmasters-dynamic-pricing-what-it-is-and-how-it-works>.

⁶ See, e.g. Uber Blog, *How Uber's dynamic pricing model works* (accessed Feb. 6, 2026), <https://www.uber.com/en-GB/blog/uber-dynamic-pricing/>.

⁷ Maxime Cohen, Tim Spittle, & Jimmy Royer, *Assessing Algorithmic Versus Generative AI Pricing Tools*, Law360 (Sept. 16, 2024), at 1,

https://awards.concurrences.com/IMG/pdf/09_assessing_algorithmic_versus_generative_ai_pricing_tools.pdf.

⁸ Catherine Fox, *Making the case for dynamic pricing in grocery*, dunnhumby (Aug. 6, 2025), <https://www.dunnhumby.com/resources/blog/price-value/en/dynamic-pricing-in-grocery/>.

⁹ *Id.*

¹⁰ Accenture, *Widening Gap Between Consumer Expectations and Reality in Personalization Signals Warning for Brands, Accenture Interactive Research Finds* (May 3, 2018), <https://newsroom.accenture.com/news/2018/widening-gap-between-consumer-expectations-and-reality-in-personalization-signals-warning-for-brands-accenture-interactive-research-finds>.

¹¹ KeHe, *The Ai Revolution in Grocery Retail: Transforming the Shopping Experience* (accessed Feb. 6, 2026), <https://www.kehe.com/news-blog/blog/the-ai-revolution-in-grocery-retail-transforming-the-shopping-experience/>.

¹² *Supra* n. 8.



AI can help retailers and consumers maximize the benefits of dynamic pricing. Pricing tools are designed to improve pricing and leverage data to improve decision-making. These tools can better help dynamic pricing optimization by analyzing factors such as cost, demand, and competitor pricing. Different variants include naïve methods, economic modeling-based tools, price-testing experiments, and advanced proprietary systems, among many others.¹³ Dynamic pricing tools can promote disruptive innovation that results in new and innovative products, enabling products and pricing that can be tailored to meet the specific needs of the consumer.¹⁴

Amending HB 895 to Avoid Chilling Competition and Innovation

CCIA recommends HB 895 be amended to clarify that “surveillance pricing” is limited to prohibiting increases in individualized pricing relative to a baseline price. Such an approach would help distinguish individualized price increases from price differences that may be attributable to the costs of providing goods to consumers, such as taxes or delivery costs. By avoiding broadly scoped definitions of “dynamic pricing,” a narrowly-targeted definition of “surveillance pricing” would not unfairly penalize retailers for engaging in common pricing practices, such as offering time-of-day discounts (e.g., discounting perishable food items near closing).

Firms often rely on consumer data to enhance products and provide better value to consumers. This is becoming increasingly important as new technologies help firms analyze large amounts of data to optimize prices and increase customer satisfaction.¹⁵ HB 895’s proposed definition of “surveillance data” is overly broad and risks prohibiting common business practices that companies rely on to quickly respond to changes in demand. To reduce legal uncertainty stemming from a novel and overly-broad definition, CCIA recommends amending HB 895 to protect “personal data” as defined under the Maryland Online Data Privacy Act.¹⁶

Beyond the substantive concerns regarding dynamic pricing tools, the inclusion of a private right of action in HB 895 risks inviting a wave of costly and often frivolous litigation. Unlike enforcement by state regulators, who are equipped to balance consumer protection with economic stability, private lawsuits empower plaintiffs’ attorneys to pursue expensive settlements for technical errors that may not have caused actual consumer harm. To maintain a fair and predictable regulatory environment, CCIA recommends amending HB 895 to ensure its enforcement is handled exclusively by the attorney general. The risks of ruinous liability findings and high legal defense costs are particularly salient for small and medium businesses. This can stifle the local business climate, as businesses may be forced to pass costs on to consumers or to forgo dynamic pricing innovations that drive local competitiveness.

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¹³ *Supra* n. 7, at 2.

¹⁴ Cody Taylor, *The Case for Algorithmic Pricing: Consumer Welfare, Market Efficiency, and Policy Missteps*, Mercatus Center (May 14, 2025), at 7, <https://www.mercatus.org/research/policy-briefs/case-algorithmic-pricing-consumer-welfare-market-efficiency-and-policy>.

¹⁵ CCIA, *Understanding AI: A Guide To Sensible Governance* (June 26, 2023), at 2, <https://ccianet.org/library/understanding-ai-guide-to-sensible-governance/>.

¹⁶ Md. Code Ann., Com. Law §§ 14-4601(W)(1).



For these reasons, CCIA respectfully urges the Committee to oppose HB 895. We appreciate your consideration of these comments and stand ready to provide additional information as Maryland lawmakers consider this legislation.

Sincerely,

Megan Stokes
State Policy Director
Computer & Communications Industry Association