

# **HB1475 Consumer Protection - Dynamic Pricing Discl**

Uploaded by: Marceline White

Position: FAV



**HB1475 Consumer Protection - Dynamic Pricing Disclosure and Prohibition on Rent-Setting  
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 HB1475.

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.*

2209 Maryland Ave · Baltimore, MD 21218 | [www.econaction.org](http://www.econaction.org)  
Marceline White · [Marceline@EconAction.org](mailto:Marceline@EconAction.org) | Jennifer Bevan-Dangel · [Jennifer@EconAction.org](mailto: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.

HB1475 requires merchants that use surveillance pricing to disclose that the price was set using an individual’s personal data in a clear and conspicuous manner.

HB1475 also addresses the issue of property management companies fixing prices using software by prohibiting this practice. A free and fair marketplace relies on competition where firms and producers compete for consumers based on price and quality. If the market is functioning, consumers decide to make purchases based on their preferences, price elasticity, and quality. When companies collude and fix prices, consumers lose out.

Last year, opponents noted that it would be prudent to wait until lawsuits filed against [Real Page](#) were decided. [RealPage](#) was sued for colluding to raise rental prices by deploying technology that would recommend rental prices to property managers using competitors data. In November 2025, the Department of Justice and Real Page reached a [settlement](#) that prohibits Real Page from using or training AI using certain non-public data as well as guardrails around its revenue management product.

In the Baltimore-Columbia-Towson area, 14% of multi-family units are managed by property companies named in the price-fixing lawsuits. RealPages algorithms set prices for more than 100,000 apartments across Maryland.

In 2023 [53.3%](#) of Maryland tenants were cost-burdened, meaning they spent more than 30% of their income on rent. The real costs of housing, insurance, utilities, and food prices have increased 22% since 2020 for working families in Maryland. Families are struggling paycheck to paycheck while property management companies across Maryland use private data to fix prices and increase profits at the expense of cash-strapped tenants.

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HB1475 expands on the settlement by extending the prohibitions in the settlement to any property management company in Maryland. It states simply that price-fixing is illegal, as it has been since the Sherman Act of 1890, and that it remains wrong whether conducted in a backroom with a handshake or by joint use of shared data and technology.

HB1475 promotes a free and fair competitive marketplace, protects personal private data, and protects tenants by prohibiting landlords from using algorithms to set rental prices.

For all these reasons, we support HB1475 and urge a favorable report.

Best,

Marceline White  
Executive Director

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**HB 1475 PJC FAV.pdf**

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill  
Public Justice Center  
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## HB 1475: Consumer Protection – Dynamic Pricing Disclosure and Prohibition on Rent-Setting

Hearing of the House Economic Matters Committee on March 3, 2026

Position: FAVORABLE

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The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland’s landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society. **PJC supports HB 1475 and asks for a favorable report.**

**HB 1475 Addresses the Crisis of Rent Collusion and Inflation.** Rents in Maryland continue to soar with such that [Maryland is now the 8<sup>th</sup> most expensive state in the nation for renters](#). According to Zillow’s Observed Rent Index, [rents have increased 34% since the pandemic – far outpacing inflation](#).

**Rent Inflation Leads to Homelessness And Increased Costs to the State.** It is no surprise that [almost 50% of Maryland renters are housing cost burdened – including 25% of renters who pay over half of their income toward rent](#). Rapid rent inflation means that families are living closer to the financial edge than ever. When these families experience any disruption in income, they quickly face an eviction action and potential spiral into poverty and homelessness. [Evictions throughout the state are rising back to pre-pandemic levels \(21,284 in FY 24\)](#). Between 15-25% of individuals who are evicted become homeless. This has enormous costs for the individual, the community, and the state. Preventing eviction saves the state money by reducing homelessness and state-funded safety net costs related to shelter, educating students experiencing homelessness, health care, institutionalization of people with disabilities, foster care, decreased incarceration, and the economic impacts of increased employment and income stability.

**HB 1475 Is a Common-Sense Prohibition on Industry Collusion to Address Part of the Affordable, Sustainable Housing Crisis.** HB 1475 prevents landlords from using software algorithms that set rents and automate rent increases based on non-public, competitive data such as rents, vacancies, and lease terms in coordination with other landlords. These algorithms are designed to maximize profits for all product subscribers by working together to increase rents – to the detriment of renters who must all then pay more than the free, fair market value.

RealPage is one example: Its “Revenue Management” product uses non-public, competitively sensitive data—for example, landlords’ private estimates for occupancy or the number of potential tenant visits to a property—to estimate supply and demand, and then generates a rent “price” that maximizes the landlord’s revenue. As alleged in the [Department of Justice lawsuit](#), RealPage pushes its software users into an auto-accept setting. Landlords cannot diverge from the software’s pricing except by special request. These requests must be vetted by RealPage staff, who are trained to push back against landlords who want to diverge from the software. Because of this price collusion, many landlords are [charging rents that are \\$70 to \\$112 higher](#) than the fair market would provide.

**Algorithmic rents are the face of industry collusion in the 21st century, and our laws must adapt to meet this challenge.** In recent months, multiple antitrust lawsuits have recently been filed against companies that offer such software, namely RealPage, Inc. and Yardi Systems, Inc, as well as some of their corporate landlord clients. [Maryland Attorney General Anthony Brown filed a lawsuit in January 2025 against RealPage, Inc. and six corporate landlords, which he describes as an illegal “cartel.”](#) Maryland’s lawsuit alleges that RealPage and the defendant landlords worked together to use RealPage’s Revenue Management technology to artificially drive rents above competitive rates. Brown’s underlying investigation revealed that the technology is used to set rents for more than 100,000 apartments across the state.

**Current laws around price-fixing and anti-trust are outdated and insufficient to meet the moment of rapidly evolving software algorithms setting rent.** HB 1475 provides a brightline rule that such coordination by landlords using algorithms relying on non-public, competitive data are prohibited. HB 1475 does not prevent the development or sale of software to help landlords manage their units generally or to set prices through the use of internal or public data. Nor does this bill regulate the amount of rent that a landlord may charge.

Public Justice Center **urges a favorable report on HB 1475.** If you have any questions, please contact C. Matthew Hill, [hillm@publicjustice.org](mailto:hillm@publicjustice.org) (410) 625-9409 Ext. 229.

# **HB1475.pdf**

Uploaded by: Joseline Peña-Melnyk

Position: FWA

JOSELINE A. PEÑA-MELNYK  
Legislative District 21  
Prince George's and  
Anne Arundel Counties

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SPEAKER OF THE HOUSE



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District Office  
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*The Maryland House of Delegates*  
ANNAPOLIS, MARYLAND 21401

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

I submit this testimony in support of **House Bill 1475 – Dynamic Pricing Disclosure and Prohibition on Rent-Setting**. Historically, consumers could expect that the price of a product or service would be the same regardless of who was purchasing it. However, with the rise of artificial intelligence and advanced data collection, companies now have the ability to tailor prices to individual consumers to maximize their profits.

Dynamic pricing adjusts prices in real time based on factors such as demand, supply, competition, and timing. While we are familiar with examples like airline fares, concert tickets, and rideshare surge pricing, emerging technology now allows companies to adjust prices based on personal consumer data. This creates the potential for unfair and predatory practices. A recent Consumer Reports investigation found that shoppers using a popular grocery app were unknowingly subjected to AI-enabled pricing experiments, with some paying up to 23% more for the same item from the same store at the same time.

Consumers deserve transparency, predictability, and fairness. As amended HB 1475 requires companies to clearly disclose when prices are set using a consumer's personal data. At the same time, the bill ensures that traditional discounts, such as promotions, loyalty programs, and subscription-based savings, are not affected.

This is a commonsense consumer protection measure that promotes transparency and fairness in a rapidly evolving marketplace. I respectfully urge a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseline A. Peña-Melnyk".

Delegate Joseline A. Peña-Melnyk

# **Chamber of Progress\_MD HB 1475\_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 Unless Amended HB 1475 - "Consumer Protection – Dynamic Pricing Disclosure and Prohibition on Rent-Setting"**

Dear Chair Valderrama and members of the Committee:

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advances, **I write to respectfully urge you to oppose HB 1475.**

As drafted, HB 1475 sweeps in routine, pro-consumer practices like personalized discounts, loyalty rewards, and targeted promotions and treats them as suspect. Disclosure requirements may be appropriate when a consumer is charged more than the standard price, but this bill goes further, lumping discounts together with price increases. That approach would confuse consumers, stigmatize common savings programs, and flood the market with warnings that provide no meaningful signal.

Any effective disclosure requirement should be limited to situations where a consumer is charged a personalized price *above* what others in the same region would pay. As drafted, HB 1475 fails to draw that distinction.

**HB 1475's broad definition captures discounts as if they were harmful**

If the legislature's goal is to warn consumers when they are being charged more than others, HB 1475 does not achieve that objective. Its definition of "personalized algorithmic pricing" is sufficiently expansive to capture not only price increases, but routine discounts and rewards that reduce prices for consumers.

The bill defines “personalized algorithmic pricing” as any dynamic price set by an algorithm using “personal data,” and defines personal data to include information that could reasonably be linked to a specific consumer or device. In practice, that standard encompasses nearly every modern digital discount program. If a price is generated through automated systems and informed by purchase history, browsing behavior, or account data, the mandated disclosure would apply, even when the result is a lower price.

As written, the disclosure requirement would extend to:

- **Personalized coupons.** A grocery store's app sends a customer a \$2-off coupon for the cereal they buy every week, or a deal on diapers because they have a baby at home.
- **Loyalty rewards.** A local coffee shop gives a customer a free drink after ten purchases, or sends a discount because they haven't visited in a month.
- **Win-back and retention offers.** A streaming service offers a discounted rate to a customer who canceled, or a meal kit company drops its price to keep a subscriber.
- **Delivery and rideshare promotions.** A delivery app sends a promo code for free delivery because a customer hasn't ordered in a while, or a rideshare app offers a discounted fare on a regular commute.
- **Small business offers.** A customer favorites a handmade necklace on an online marketplace and the seller sends a 10% off coupon, or a small clothing brand offers a discount because a shopper has browsed their site before.

In each instance, data linked to a consumer is processed through automated systems to generate a price. **Under HB 1475, these transactions would carry an alarming, all-caps warning, framed around algorithmic use of personal data.**

Most consumers lack familiarity with the technical terminology used in the bill.<sup>1</sup> When presented with a disclosure stating that a price was set by an algorithm using personal data, many will reasonably interpret it as a warning about a potentially harmful practice, even when the transaction reflects a discount. A consumer protection disclosure should not attach to a lower price.

Although HB 1475 includes exemptions for certain industries, it does not exempt loyalty programs, digital coupons, or other commonplace discount practices that families rely on to reduce household expenses. **Limiting the disclosure requirement to personalized price increases (prices set above what other consumers in the same region would pay), would align the warning with the conduct the legislature seeks to address.** That

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<sup>1</sup> Pew Research Center, "How Americans View Data Privacy," Oct. 18, 2023, <https://www.pewresearch.org/internet/2023/10/18/how-americans-view-data-privacy/>.

approach would ensure consumers are alerted when they may be paying more than others, rather than when they are paying less.

### **Overly broad disclosures lose their power to protect consumers**

The bill's sweeping disclosure requirement would undermine the very consumer protection it aims to create. Research on disclosure effectiveness shows that mandated disclosure has been called one of the "least successful regulatory tools in American law."<sup>2</sup> Most people find disclosures confusing, easy to ignore, and unhelpful. When everything carries a warning label, consumers tune out, and the warnings lose their protective function.<sup>3</sup>

California's experience with Proposition 65 cancer warnings shows where this leads. Companies now routinely attach warning labels to products without even testing whether the listed chemicals are present, because the warnings have become so ubiquitous that the cost of over-warning is lower than the cost of compliance verification.<sup>4</sup>

HB 1475 risks the same outcome. By requiring disclosure whenever algorithmic pricing is used, whether to raise prices or to offer discounts, the bill treats fundamentally different practices as if they pose the same concern. A retailer offering a targeted discount would carry the same warning as a bad actor quietly charging certain consumers more.

That approach both numbs consumers and shields misconduct. **Flooding every personalized transaction with a warning trains people to ignore it, while firms that use algorithms to raise prices can hide in plain sight among businesses using the same tools to lower them.** Limiting disclosure to personalized price increases would preserve the warning's signal and focus attention where real harm is most likely.

### **HB 1475's enforcement structure would burden businesses without advancing consumer protection**

Beyond creating consumer confusion, HB 1475 exposes businesses to significant liability for commonplace pricing practices. The bill treats violations as unfair, abusive, or deceptive trade practices under Maryland's Consumer Protection Act, triggering the prospect of investigations, civil penalties, and litigation.

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<sup>2</sup> Omri Ben-Shahar and Carl E. Schneider, *More Than You Wanted to Know: The Failure of Mandated Disclosure*, Princeton University Press, 2014, <https://press.princeton.edu/books/hardcover/9780691161709/more-than-you-wanted-to-know>.

<sup>3</sup> Mercatus Center at George Mason University, "Warning Fatigue," January 2016, <https://www.mercatus.org/students/economic-insights/expert-commentary/warning-fatigue>.

<sup>4</sup> Lauren Kirchner, "Why California Thinks Your Couch Will Give You Cancer," *Consumer Reports*, 2022, <https://www.consumerreports.org/toxic-chemicals-substances/why-california-thinks-your-couch-will-cause-cancer-pr-op-65-a5957101345/>.

In practice, enforcement would not stop at confirming that a disclosure was provided. It would invite scrutiny into how prices are generated, including the data inputs, pricing models, and decision rules that companies consider proprietary. Businesses would face pressure to explain and defend the internal logic of their pricing systems, even when those systems are used to offer discounts and rewards. **That dynamic risks compelling disclosure of confidential pricing strategies and competitively sensitive information, without a corresponding consumer harm.**

A narrower bill limited to personalized price increases would better calibrate enforcement to actual risk. It would focus regulatory scrutiny on situations where consumers may be paying more than others, rather than sweeping in routine data-driven discounts that reduce prices and benefit households.

The bill also lacks a notice-and-cure period before any enforcement action may proceed. Disclosure compliance involves technical implementation details where a good-faith merchant may fall short, and an opportunity to correct a violation before facing penalties would encourage compliance rather than punishment. The bill also risks enabling a private right of action, inviting opportunistic litigation over technical noncompliance rather than advancing consumer protection.

### **The personalized deals HB 1475 would stigmatize are the ones Maryland families depend on**

The pricing practices HB 1475 would capture are the same ones that help Maryland families stretch their budgets. Digital coupons alone save the average household \$1,465 per year.<sup>5</sup> Low-income families with children are among the most active coupon users and deal-seekers.<sup>6</sup> At a time when the cost of living has increased for so many,<sup>7</sup> personalized discounts, loyalty program rewards, and targeted promotions are precisely the tools consumers rely on to get the most for their dollar.

Consumers don't just tolerate personalization; they actively seek it out. The vast majority of consumers are comfortable with personalized offers, citing better prices, time savings, and a more efficient shopping experience as key benefits.<sup>8</sup> More than half of grocery shoppers enjoy personalized product recommendations and appreciate personalized

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

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

<sup>7</sup> Erin Doherty, "New poll paints a grim picture of a nation under financial strain," *POLITICO*, Dec. 10, 2025, <https://www.politico.com/news/2025/12/10/poll-affordability-cost-of-living-00678076>.

<sup>8</sup> Mark Abraham et al., "What Consumers Want from Personalization," *Boston Consulting Group*, Dec. 12, 2024, <https://www.bcg.com/publications/2024/what-consumers-want-from-personalization>.

discounts or rewards.<sup>9</sup> And 70% of consumers say they value tailored recommendations from loyalty programs.<sup>10</sup>

Research also suggests personalized pricing often delivers broad benefits: lower prices for the majority of consumers,<sup>11</sup> increased market efficiency,<sup>12</sup> and positive distributional effects.<sup>13</sup> These benefits should not be swept into a disclosure regime designed for price increases.

**For these reasons, we respectfully oppose HB 1475.** Should the legislature wish to pursue this issue, we believe effective legislation should limit its disclosure requirement to personalized price increases, prices set above what other consumers in the same region would pay, while excluding discounts, loyalty pricing, promotions, and cost-based or market-driven price differences. Such legislation should also include a notice-and-cure period before enforcement and should not create a private right of action. A bill built on these principles would align with its stated purpose, preserve disclosures' effectiveness, and protect the personalized deals that Maryland families rely on.

Chamber of Progress would welcome the opportunity to serve as a resource as the legislature works toward a solution.

Sincerely,



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

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<sup>9</sup> RRD, *2024 CPG + Grocery Consumer Report*, 2024, <https://www.rrd.com/resources/research-report/2024-cpg-and-grocery-consumer-report>.

<sup>10</sup> Bobby Stephens and Ramya Murali, *2024 Consumer Loyalty Survey*, Deloitte, Feb. 24, 2025, <https://www.deloitte.com/us/en/services/consulting/articles/brand-loyalty-program-consumer-behavior.html>.

<sup>11</sup> 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>.

<sup>12</sup> OECD, *Personalised Pricing in the Digital Era*, 2018, [https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/10/personalised-pricing-in-the-digital-era\\_7313c12d/db4d9c9c-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/10/personalised-pricing-in-the-digital-era_7313c12d/db4d9c9c-en.pdf).

<sup>13</sup> Jerod Coker and Jean-Manuel Izaret, "Progressive Pricing: The Ethical Case for Price Personalization," *Journal of Business Ethics*, 2021, <https://doi.org/10.1007/s10551-020-04545-x>.

# **HB 1475\_Consumer Protection\_Dynamic Pricing Disclo**

Uploaded by: Grason Wiggins

Position: UNF



## House Bill 1475

Date: March 3, 2026

Committee: Economic Matters

**Position: Unfavorable**

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Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 1475 (HB 1475) would broadly regulate the use of algorithmic or data-driven pricing by merchants selling goods or services to Maryland consumers by requiring businesses to provide a conspicuous disclosure when a price is set using an algorithm that relies on a consumer's personal data, establishing restrictions related to certain rent-setting practices, and creating enforcement mechanisms, including a private right of action that exposes businesses to potential civil liability. While the stated intent is to promote transparency and consumer protection, the bill as drafted would impose sweeping new requirements and create significant unintended consequences for Maryland businesses and consumers alike.

HB 1475 requires businesses to provide a conspicuous warning stating, "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA." This disclosure is overly broad and would apply in a wide range of common business practices, including loyalty programs, targeted discounts, and promotional pricing that benefit consumers. Rather than providing meaningful clarity, the mandated language risks unnecessarily alarming customers who may not fully understand how pricing algorithms work. Many consumers could mistakenly conclude that their sensitive personal information was used in a harmful or discriminatory manner, even when they are simply receiving a personalized discount or participating in a standard rewards program.

Data-driven pricing is widely used across industries to manage inventory, respond to supply and demand, offer competitive pricing, and reduce waste. In sectors such as grocery and retail, these tools help lower average prices, improve product availability, and reduce food waste, outcomes that directly benefit Maryland consumers. The bill appears to be premised on speculative concerns that retailers are engaging in unlawful discrimination or price gouging, practices that are already prohibited under existing state and federal law. Imposing a sweeping new disclosure regime absent clear evidence of widespread abuse risks chilling legitimate and beneficial business practices.

The compliance obligations created by HB 1475 would also increase operational costs for Maryland businesses at a time when many are already operating on thin margins. Businesses would need to review pricing systems, audit data practices, update consumer-facing communications, and potentially reconfigure pricing models to avoid triggering the required disclosures. These additional costs will ultimately be borne by consumers in the form of higher prices.

Further, the bill creates serious legal exposure by establishing a private right of action. This would invite litigation over novel and ambiguous standards, including new definitions of “personal data” that may conflict with existing Maryland privacy laws. The resulting compliance uncertainty and risk of frivolous lawsuits would disproportionately impact small and mid-sized businesses that lack extensive legal resources. Maryland has recently enacted comprehensive data privacy legislation, and layering inconsistent or overlapping requirements on top of that framework will only add confusion and risk.

Finally, the provisions addressing residential rent-setting practices raise complex issues distinct from retail pricing and should not be combined in a single, broadly applicable bill. Conflating these policy areas creates additional ambiguity and expands the scope of the legislation beyond what many stakeholders reasonably anticipated.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **HB 1475**.

**PDF\_final\_MD HB 1475\_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 1475 (Speaker) - Consumer Protection - Dynamic Pricing Disclosure and Prohibition on Rent-Setting*

Dear Chair Valderrama and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on HB 1475.

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, and we believe that HB 1475 is overly broad and prescriptive. The bill applies to all merchants, even those out of state companies, selling products to Maryland customers, requiring an alarming warning for a broad category of pricing communications, including discounts. The prescriptive disclosure requirements will drive up compliance costs for businesses, which will ultimately lead to higher consumer prices and reduced innovation.

Furthermore, the bill as written undermines customer trust. Many consumers do not fully understand pricing algorithms and may not realize how they can drive better price and selection options. Consumers seeing the disclosure prescribed in this bill may not realize that they are simply receiving a personalized discount and falsely conclude a seller has engaged in a nefarious use of sensitive personal information.

In fact, data-driven pricing enables lower average prices and better inventory management. 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.

Regarding disclosures, companies need flexibility in where and how disclosures are presented in order to accommodate different product flows, screen sizes, and user experiences. Prescriptive requirements will be operationally difficult to implement across platforms and could require substantial redesign of existing displays for businesses of all sizes. It also risks contributing to disclosure fatigue by crowding the user experience with duplicative information, ultimately undermining clarity and effectiveness.

We recommend that businesses be permitted to retain flexibility in how this information is communicated so it can be presented in clear, accurate, and consumer-friendly terms. The current required disclosure is overly rigid and lacks meaningful context. Its phrasing is likely to generate confusion or unnecessary alarm, rather than enhance consumer understanding. A one-size-fits-all statement does not account for differences in business models, pricing methodologies, or user interfaces, and prescriptive language of this kind risks degrading the consumer experience with technical terminology that may be misunderstood. Businesses should retain discretion to communicate accurate information about pricing practices in a manner that is clear, contextualized, and tailored to their services.

Furthermore, HB 1475 creates a novel definition of "Personal Data", which conflicts with existing Maryland privacy laws, creating compliance uncertainty. Additionally, 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 the bill could be improved in three areas: definitions, harmonization with existing Maryland laws, and enforcement. Our suggested changes are below this letter. For the reasons stated above, TechNet is respectfully opposed to HB 1475 in its current form. Please don't hesitate to reach out with any questions.

Sincerely,



Margaret Durkin

TechNet Executive Director, Pennsylvania & the Mid-Atlantic

## Definitions

**Change Request:** Page 2, after line 24 under (A) insert definition:

**(3) "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 merchant, excluding loyalty or club member pricing, promotional offers, limited time sales, discounts, or additional fees for premium or additional features.**

**Rationale:** Establishes a clear reference point for determining when an individualized price increase occurs.

### **Change Request:**

**Page 2, starting at line 25, adjust as follows:**

(3) "Clear and Conspicuous disclosure" means disclosure:  
(I) In the same medium as, and provided **prior to the consumer's completion of the purchase on, at, or near and contemporaneous with each communication of a price** for which notice is required; and  
(II) Using lettering and wording **via reasonable and accessible means** that is easily visible and understandable to a consumer.

**Rationale:** Ensures that the required disclosure is consumer-friendly, while also providing flexibility for businesses that transact with customers in different mediums (in-person, online, in-app, a future technology that does not yet exist, etc).

**Change Request:** Page 3, lines 5-8

### **Delete:**

(6) (I) "Personal data" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific consumer or device.  
(II) "Personal data" does not include location data.

### **Insert:**

(6) "Consent" has the meaning stated in § 14.4701 of the commercial law article.  
(7) "Personal data" has the meaning stated in § 14.4701 of the commercial law article.

**Rationale:** Harmonizes with existing Maryland law by aligning definitions of "personal data" and "consent" with Maryland Online Data Privacy Act.

**Change Request:** Page 3, lines 3-4, and page 3, lines 9-10

### **Delete:**

(5) "Dynamic pricing" means pricing that fluctuates dependent on conditions.

(7) "Personalized algorithmic pricing" means dynamic pricing set by an algorithm that uses personal data.

**Insert:**

(7) (I) "Personalized algorithmic pricing" means offering or setting a personalized price increase above the baseline price for a good or service for a specific consumer based on the consumer's personal data, regardless of whether the merchant collected or purchased the personal data.

(II) "Personalized algorithmic pricing" does not mean:

- (1) a price increase based on objective costs associated with providing the good or service to different consumers, such as a consumer's physical location or zip code, which can cause shipping or tax cost variations.
- (2) a price increase based on costs or differences in supply or demand associated with providing or selling a good or service in different locations or geographies;
- (3) a price increase based on costs associated with the availability or supply of the good or service;
- (4) a price higher than a price based on publicly disclosed eligibility criteria, including enrolling voluntarily on a mailing list, registering for promotional communications, or participating in a promotional event;
- (5) a price higher than a price offered to members of a broadly defined group such as teachers, active or retired military, senior citizens, students, or residents of a certain area based on publicly disclosed eligibility criteria;
- (6) a price higher than a price offered through promotional pricing offers, loyalty program benefits, discounts, membership, or rewards program in which consumers may voluntarily participate, enroll, or purchase, or a discounted price offered to consumers based on a subscription-based contract or agreement;
- (7) a price higher than a price offered to a consumer who consents to provide personal data for the purpose of obtaining a discounted price;  
or
- (8) a price increase based on a promotional offer, discount or time-limited sale.

**Rationale:** These changes tighten the definition of "Personalized Algorithmic Pricing" by focusing on individualized price increases that are based on customer personal data. These changes addresses any consumer concerns, while protecting legitimate data use cases, such as personalized promotions, discounts, and loyalty programs. Finally, this language adds exemptions for common pricing deviations such as regionalized pricing or differences in shipping costs.

**Change Request:** Page 3, line 19-22

**Delete:**

(3) A lower price that is offered to a consumer who has an existing

subscription-based contract or agreement for a consumer good or service with a merchant than the price offered to a consumer without the subscription-based contract or agreement.

**Rationale:** No longer necessary once definitions above are changed.

### **Prohibitions**

#### **Change Request:**

##### **Pg 3, lines 23-31, adjust as follows:**

(C) A merchant may not ~~set~~ **increase** the price of **a** specific consumer goods or services **for a specific consumer** using personalized algorithmic pricing and directly or indirectly advertise, promote, label or publish a communication of the personalized algorithmic pricing for the consumer good or service to a consumer in the state, unless the merchant includes ~~with the communication~~ **a clear and** conspicuous disclosure **informing the consumer that the price was set by an algorithm which used the consumer's personal data. with the following statement: "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA."**

**Rationale:** This aligns disclosure requirements with proposed definition changes, applying only to price increases, and provides businesses with flexibility in exact wording of the clear and conspicuous disclosure.

### **Violations and Enforcement**

#### **Change Request:**

##### **Insert:**

13-41X

(A) Required Notice — Before initiating any action under 13-321 the Division shall issue a written notice of violation to the merchant.

(B) Opportunity to Cure — A Merchant that receives a notice of violation under this section shall have 60 days after receipt of the notice to cure the violation.

(C) Enforcement After Failure to Cure. — The Division may initiate an enforcement action under [insert correct section reference] only if the merchant fails to cure the violation within the 60-day period provided under subsection (b) of this section.

(D) Effect of Cure. — If the merchant cures the violation within the 60-day period and provides the Division with a written statement that the violation has been cured and that no further violations will occur, the Division may not bring an enforcement action for the cured violation.

(E) 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 provides for a cure period and clarifies AG-only enforcement and no private right of action (PRA) under this or any other law.

# **CCIA Comments on MD HB 1475.pdf**

Uploaded by: Megan Stokes

Position: UNF



March 3, 2026

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

## Re: HB 1475 - "Consumer Pricing - Dynamic Pricing Disclosure and Prohibition on Rent Setting" (Oppose Unless Amended)

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

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 1475 as currently drafted, and to urge adoption of the attached redline amendments. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the interstate provision of digital services could significantly impact CCIA members. While our member companies support transparency and consumer protection, the current language of HB 1475 creates an unworkable regulatory environment that would inadvertently punish Maryland businesses for offering discounts and stifle the data-driven efficiencies that keep prices low for consumers. The enclosed amendments are designed to preserve the bill's intent while making it workable and appropriately scoped.

### Economic Harm to Maryland Businesses

HB 1475 applies a "one-size-fits-all" mandate to every merchant selling to Marylanders. By requiring a rigid, alarming disclosure<sup>2</sup> for a vast range of pricing communications, the bill mandates a costly compliance overhaul for many businesses. For retailers operating on thin margins, these administrative burdens will inevitably lead to higher overhead and, ironically, higher costs for the very families the bill seeks to protect.

### Undermining Consumer Trust and Benefit

The mandated disclosure risks "notice fatigue" and unnecessary alarm. Most consumers do not realize that algorithmic pricing is frequently used to provide personalized discounts, loyalty rewards, and targeted promotions. By branding these common and beneficial business practices with a cautionary label, the proposal risks misleading Marylanders into believing a routine discount is a "nefarious" use of their information. Furthermore, data-driven pricing allows for efficient inventory management and reduced food waste, benefits that directly contribute to lower average prices.

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<sup>1</sup> 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>.

<sup>2</sup> HB 1475, 13-321(C): "A merchant may not set the price of specific consumer goods or services using personalized algorithmic pricing and directly or indirectly advertise, promote, label, or publish a communication of the personalized algorithmic pricing for the consumer good or service to a consumer in the state, unless the merchant includes with the communication a clear and conspicuous disclosure with the following statement: **'this price was set by an algorithm using your personal data.'**"



Concerningly, the disclosure requirement is overly broad and lacks nuance. Any use of customer data, even zip code or purchase history, qualifies as a disclosure trigger. This would result in every personalized promotion or location-adjusted sale carrying identical stark warnings. For example, online delivery services such as DoorDash and UberEats, which rely on a user's location to determine pricing (e.g., for extended delivery to cover longer trips), would be required to display the disclaimer, likely increasing consumer uncertainty about pricing.

Instead of informed consumer choice, the bill risks triggering blanket distrust. Shoppers seeing the label next to a price they perceive as favorable may wonder, "What am I not seeing?" Distrust may defeat any transparency goals.

## Algorithmic pricing lowers consumer prices for consumers who need it most

Studies have shown that consumers and the broader economy tend to benefit from algorithmic pricing so long as the equilibrium quantity increases with the use of algorithmic pricing.<sup>3</sup> Additionally, in a recent lawsuit against a similar bill in New York, the National Retail Federation (NRF) noted that algorithms enable firms to respond flexibly to supply and demand fluctuations, reducing prices overall.<sup>4</sup> The NRF also notes that many programs (like coupons, loyalty rewards, and cart-abandonment offers) are merely alternative, scaled-up forms of algorithmic pricing.<sup>5</sup>

Stigmatizing these tools through alarming labels risks misinforming consumers and ultimately discouraging their use. In effect, it turns beneficial promotions into liabilities. More warning labels may translate to fewer deals, hurting consumer welfare. These costs would be borne disproportionately by lower-income consumers, who are most likely to receive price reductions from coupons and algorithmic pricing.<sup>6</sup>

## Serious Legal and Regulatory Risk

The bill's inclusion of a private right of action risks opening the door to frivolous, predatory litigation against businesses acting in good faith. Furthermore, the bill introduces novel definitions of "personal data" that conflict with the Maryland Online Data Privacy Act (MODPA), risking the creation of a patchwork of conflicting regulations. Finally, the bill inappropriately conflates retail pricing with residential rent-setting, two entirely different markets that require distinct legislative frameworks.

<sup>3</sup> See, e.g., Trevor Wagener, *Why New York's Algorithmic Pricing Disclosure Act Misses the Mark* (Jul. 22, 2025), <https://ccianet.org/articles/why-new-yorks-algorithmic-pricing-disclosure-act-misses-the-mark/>; Cody Taylor, Mercatus Center, *The Case for Algorithmic Pricing: Consumer Welfare, Market Efficiency, and Policy Missteps* (May 14, 2025), <https://www.mercatus.org/research/policy-briefs/case-algorithmic-pricing-consumer-welfare-market-efficiency-and-policy>.

<sup>4</sup> Chain Drug Review, *NRF files lawsuit to stop New York's algorithmic pricing disclosure law* (Jul. 3, 2025), <https://chaindrugreview.com/nrf-files-lawsuit-to-stop-new-yorks-algorithmic-pricing-disclosure-law/>.

<sup>5</sup> Supermarket News, *National Retail Federation sues New York over algorithmic pricing law*, (Jul. 7, 2025), <https://www.supermarketnews.com/legislation-regulatory-news/national-retail-federation-sues-new-york-over-algorithmic-pricing-law>.

<sup>6</sup> Trevor Wagener, *Personalized Discounts, Public Gains: The Welfare Case for Algorithmic Pricing* (Jul. 8, 2025), <https://ccianet.org/articles/personalized-discounts-public-gains-the-welfare-case-for-algorithmic-pricing>.



## Recommended Amendments for a Path Forward

To address these fundamental flaws while ensuring transparency and properly addressing the issues the bill seeks to target, CCIA urges adopting the following amendments:

- **Target the Harm:** Narrow the definition of “personalized algorithmic pricing” to focus exclusively on individualized price increases. This protects legitimate uses of data, such as personalized promotions and loyalty programs.
- **Establish a “Baseline Price”:** Define a clear reference point (the price generally available to the public in a region) so that businesses and regulators can objectively determine when a price has actually been increased for a specific user.
- **Harmonize with Existing Law:** Align all definitions of “personal data” and “consent” with the Maryland Online Data Privacy Act and other existing laws to ensure a consistent regulatory environment.
- **Remove the Private Right of Action:** Enforcement should remain solely with the Attorney General. We also request a 30-day grace period to allow businesses to fix technical errors before facing penalties and enforcement under the new law.
- **Clarify Disclosures:** Amend the required disclosure language to: “THIS PRICE WAS INCREASED BY AN ALGORITHM USING YOUR PERSONAL DATA.” This ensures transparency is reserved for instances where the consumer is actually being charged more, rather than when they are receiving a discount.

\* \* \* \* \*

We believe these changes would address consumer concerns regarding price manipulation while preserving the innovative tools that allow Maryland retailers to remain competitive. CCIA respectfully requests an unfavorable report on HB 1475 unless these critical amendments are adopted.

Sincerely,

Megan Stokes  
State Policy Director  
Computer & Communications Industry Association

**HB 1475\_realtors\_unf.pdf**

Uploaded by: William Castelli

Position: UNF



**House Bill 1475** – Consumer Protection – Dynamic Pricing Disclosure and Prohibition on Rent-Setting

**Position: Unfavorable**

Maryland REALTORS® oppose HB 1475 which requires a disclosure of dynamic pricing in real estate and prohibits the use of “algorithmic devices” in the setting of housing rents when those devices use data from different property owners. While the REALTORS® support open markets and oppose price fixing, the REALTORS® are concerned over the legislation’s prohibition and limitation on the use of market information to assist landlords in setting fair rental prices and tenants seeking fair rental prices. REALTORS® represent both landlords and tenants.

Many of the landlords that REALTORS® work with are property owners of single-family rentals who are not experienced in renting property and need advice about how to fairly price their property. Additionally, REALTORS® sometime help tenants seeking single family properties to rent. The Maryland REALTORS® are concerned that the language in HB 1475 could impede the use of market data which includes historical prices and supply levels. In different markets, this information yields different results. In tight supply markets, prices would typically increase. When supply and vacancies are abundant, prices would typically decrease.

Market data has always been used to provide guidance to the ultimate decision maker – the property owner or tenant – in determining fair market value for rental homes. Prohibiting aggregation of important information makes it more likely, rather than less likely, that properties will not be fairly priced. For these reasons, the REALTORS® recommend an unfavorable report.

**For more information contact [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org) or  
[christa.mcgee@mdrealtor.org](mailto:christa.mcgee@mdrealtor.org)**

# **HB 1475\_Consumer Protection Division\_Support in co**

Uploaded by: Kira Wilpone-Welborn

Position: INFO

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

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

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

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

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



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

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

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

**KAREN M. VALENTINE**  
*Deputy Division Chief*

**PETER V. BERNIS**  
*General Counsel*

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

**KIRA WILPONE-WELBORN**  
*Unit Chief*

February 27, 2026

To: The Honorable Kriselda Valderrama  
Chair, Economic Matters Committee

From: Kira Wilpone-Welborn, Assistant Attorney General  
Consumer Protection Division

Re: House Bill 1475 – Consumer Protection - Dynamic Pricing Disclosure and Prohibition on  
Rent-Setting (SUPPORT IN CONCEPT)

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The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports in concept House Bill 1475 sponsored by Speaker Joseline A. Peña-Melnyk. House Bill 1475 seeks to address the use of algorithms to set dynamic prices for consumers and in the setting of rent.

House Bill 1475 prohibits landlords from utilizing algorithms built on private competitor data to set rents. Increasingly, landlords have resorted to using these algorithms to the detriment of competition and tenants’ pocketbooks. Although some of these practices likely already violate the Consumer Protection Act and the Maryland Antitrust Act, House Bill 1475 would specifically enumerate that using algorithms to set rents is an unfair, abusive, and deceptive practice as defined and enforced under the Consumer Protection Act.

The Division supports House Bill 1475 specifying that the use of algorithms containing private competitor data is a violation of the Consumer Protection Act because these algorithms distort the market and result in tenants paying more for rent.

The Division also supports the disclosure requirements for personalized algorithmic pricing. Personalized algorithmic pricing, or surveillance pricing, uses massive amounts of data collected about an individual consumer to charge the highest price to that individual 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— 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. The Division, however, recommends removing the exemptions for financial institutions (page 3, lines 11-18) from the disclosure requirement. Exemptions of this kind are generally provided when another law regulates the same activity; here, financial regulations do not regulate personalized algorithmic pricing. Moreover, HB 1475 merely requires disclosure of personalized algorithmic pricing.

Ultimately, House Bill 1475 seeks to address the use of algorithms to set dynamic prices for consumers and in the setting of rent. As such, the Division supports the goals of House Bill 1475.

cc: The Honorable Joseline A. Peña-Melnyk  
Members, Economic Matters Committee

**MD HB1475 - FOR INFORMATION.pdf**

Uploaded by: LáVita Gardner

Position: INFO



Uber Technologies, Inc.  
1725 3rd Street  
San Francisco, CA 94158  
uber.com

March 3, 2026

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

**Re: For Information - HB1475 – Consumer Protection - Dynamic Pricing Disclosure and Prohibition on Rent-Setting**

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

Thank you for the opportunity to provide testimony on B1475 – Consumer Protection - Dynamic Pricing Disclosure and Prohibition on Rent-Setting. We would like to begin by thanking the Committee leadership and the bill sponsor for their diligent work in addressing pricing transparency for Maryland consumers. While we support the underlying intent of the bill, we are requesting a technical amendment to ensure the legislation achieves its consumer-protection goals without creating unintended confusion.

As currently drafted, the bill's language is broad enough that it could be interpreted to apply disclosure requirements to temporary promotions and discounts. While we understand it was not the intent of the sponsor to regulate standard price reductions, the current ambiguity creates significant operational uncertainty for businesses.

More importantly, applying a dynamic pricing disclosure framework to promotions could unintentionally mislead consumers. Promotions and discounts are fundamentally different from dynamic price increases; they represent a reduction in the amount a consumer would otherwise pay. Forcing these reductions into a disclosure framework designed for base price fluctuations could confuse consumers and disincentivize companies from pursuing opportunities to reduce the price of a good or service. This runs counter to the bill's core purpose.

To ensure the bill remains focused and clear, we propose an amendment that explicitly excludes bona fide promotions, loyalty benefits, and temporary discounts from the definition of "Dynamic Pricing."

**Proposed Language:**

(A)(5): "DYNAMIC PRICING" MEANS PRICING THAT FLUCTUATES DEPENDENT ON CONDITIONS EXCLUDING PROMOTIONAL PRICING OFFERS, LOYALTY PROGRAM BENEFITS AND SUBSCRIPTIONS, OR OTHER TEMPORARY DISCOUNTS.

As a conforming change to this edit, we also request the deletion of Section (B)(3), as the subject matter would now be fully addressed within the revised definition in Section (A)(5).

We appreciate the Speaker's leadership on this issue and believe these clarifications will make the bill stronger, more enforceable, and more beneficial for Marylanders.

We respectfully urge the Committee to adopt these amendments to ensure that "good news" pricing—like discounts and loyalty rewards—is not inadvertently penalized or muffled by new disclosure requirements.

Sincerely,

LáVita Gardner  
Public Policy Manager  
Uber