



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

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### **SB 889 - Consumer Protection and Labor and Employment – Electronic Shelving Labels and Surveillance-Based Price and Wage Setting - Prohibitions**

#### **Senate Finance Committee**

**March 12, 2026**

#### **SUPPORT**

**Elizabeth Bobo**

**Legislative Director**

#### **Maryland State and DC AFL-CIO**

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of SB 889.

Quakers pioneered the fixed-price system in the 19th century because they believed that all customers, regardless of their background, bargaining power, or value, should pay the same price for the same goods.

Surveillance-based pricing undermines that foundational principle. Today, companies analyze an array of data points ranging from location and demographics to browsing patterns and shopping history. With that, they determine what they think a customer is willing to pay. Two people looking at the same product at the same moment can be steered towards different prices, not because of cost differences or discounts, but because an algorithm has profiled them to be different and thus gives them different prices.

This is discrimination by algorithm. It erodes consumer trust, exploits information, and creates a marketplace where customers are vulnerable to companies' predatory practices. SB 889 restores fairness by prohibiting this form of opaque pricing manipulation.

A crucial component of this bill is its prohibition on Electronic Shelving Labels (ESLs). These digital shelf labels allow prices to be changed instantly and repeatedly, enabling individualized pricing. By requiring "non-digital price displays", SB 889 prevents the deployment of tools that would make surveillance-based pricing easy to implement at scale in grocery stores.

For these reasons, we urge a favorable report on SB 889.



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