



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

before the

**Maryland Senate Finance Committee
February 12, 2026**

regarding

SB 387-Protection from Predatory Pricing Act

Thank you Chair Beidle, Vice-Chair Hayes and all the members of the Senate Finance Committee for the opportunity to testify on SB 387, 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 SB 387 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, SB 387 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 SB 387 and pass it. Thank you for your time.