



Senate Bill 387 -- Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)

Senate Finance Committee

February 17, 2026

Oppose

The Montgomery County Chamber of Commerce (MCCC), the voice of business in Metro Maryland, opposes Senate Bill 387 -- *Food Retailers - Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements (Protection From Predatory Pricing Act)*.

Senate Bill 387 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 Senate Bill 387 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.

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