



**SB387 Food Retailers-Dynamic Pricing, Surveillance Data, and Collective Bargaining  
Agreements (Protection from Predatory Pricing Act)  
Position: FAV**

February 17, 2026

The Honorable Pam Beidle, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, Maryland 21401  
cc: Members, Senate Finance

Chair Beidle and Members of the Committee,

Economic Action Maryland Fund is here in strong support of SB387.

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.

Dynamic pricing distorts the marketplace and creates an unfair marketplace where retailers exert enormous power to squeeze more profits from financially fragile households. Dynamic

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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.

SB387 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 SB387 and urge a favorable report.

Best,

Marceline White  
Executive Director

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