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**SB 387 - Food Retailers –
Dynamic Pricing, Surveillance Data, and Collective Bargaining Agreements
(Protection From Predatory Pricing Act)
Senate Finance Committee
February 17, 2026
FAVORABLE**

Good afternoon, Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee. Thank you for the opportunity to present testimony in support of Senate Bill 387 regarding predatory pricing. My name is Tony Trenkle. I am a member of the AARP Maryland Executive Council, an advocacy volunteer, and a resident of Howard County. Thank you to Senators Augustine, Brooks, Charles, Harris, Hettleman, Kagan, King, Lam, Lewis Young, Love, and Zucker for co-sponsoring this legislation.

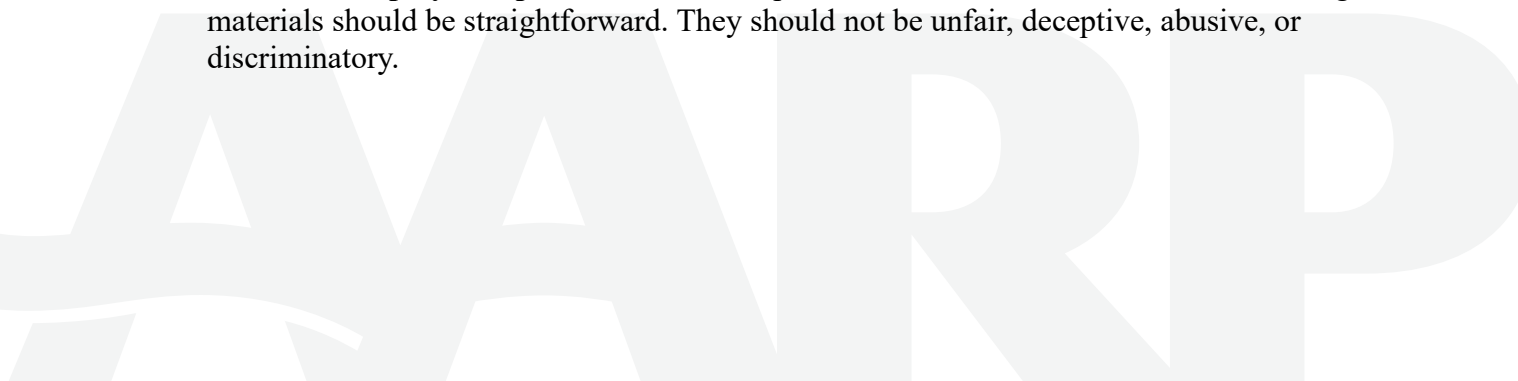
AARP Maryland is one of the largest membership-based organizations in the state, with approximately 850,000 members. We welcome this legislation because it targets a growing problem in the food retail area, the practice of dynamic pricing and using consumer surveillance data to set a price for consumer goods or services. The growing use of artificial intelligence (AI) can turn this practice from a sales strategy into one that creates an unlevel playing field for consumers.

AARP's own Jim Barrett recently wrote, "Data-driven discounts like loyalty programs and targeted promotions can genuinely help shoppers save money. But the rapid rise of artificial intelligence has blurred the line between helpful personalization and something more troubling – real-time predatory pricing based on individual circumstances and vulnerabilities."

Older adults and other vulnerable consumers face heightened risks from hidden, personalized pricing. Many seniors rely on online ordering or limited shopping hours and may not realize prices can change throughout the day, leaving them susceptible to higher charges due to factors such as limited mobility or urgent need. Their strong brand loyalty also makes them easy targets for manipulative loyalty-program pricing.

AARP is committed to consumer rights and fair practices. AARP Consumer Rights and Protection Principles include:

- **Promote fair play and practice**—business practices, consumer contracts, and marketing materials should be straightforward. They should not be unfair, deceptive, abusive, or discriminatory.



- **Foster transparency**—consumers should receive understandable and accurate information about goods and services, pricing, business practices, companies, service providers, risks, and their rights. This information should be in plain, easily understood language.
- **Safeguard privacy**—consumers have a right to personal privacy. They should have the ability to reject the sharing of their personal information. They also have a right to be protected from intrusive marketing practices, communications, and technology.
- **Promote equitable access**—all consumers have a right to basic and necessary goods and services that are affordable, safe, and reliable, regardless of such factors as their age, race, ethnicity, sex, gender identity, sexual orientation, ability level, and income.

Why AARP Maryland Supports SB 387

SB 387 clearly defines how dynamic pricing and the use of surveillance data can create adverse consequences for consumers. It also describes behavior by food retailers that is not acceptable and establishes penalties for violations.

The bill is clearly in line with the AARP Consumer Rights and Protection Principles described above and supports our goals for food security and fair pricing.

Conclusion

AI is advancing at a fast pace, and our laws must keep up with these developments. While there are many ways that AI can provide better shopping tools for consumers, it can also be used to create algorithms that can increase costs and violate privacy. For these reasons, AARP Maryland respectfully urges a **favorable report** on SB 387.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.