



Senate Finance Committee

March 12, 2026

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

POSITION: OPPOSE

The Maryland Tech Council (MTC), with over 800 members, is the State’s largest association of technology companies. Our vision is to propel Maryland to be the country's number one innovation economy for life sciences and technology. MTC brings the State’s life sciences and technology communities into a single, united organization that empowers members to achieve their goals through advocacy, networking, and education. On behalf of MTC, we submit this letter of **opposition** for Senate Bill 889.

Senate Bill 889 seeks to prohibit certain forms of “surveillance-based” price setting and wage setting and would also prohibit food retailers from using electronic shelving labels to display prices. The legislation aims to restrict the use of data-driven tools that businesses use to manage pricing, operations, and compensation decisions by designating certain practices as unfair or deceptive trade practices under the Maryland Consumer Protection Act.

Automated pricing tools and electronic shelf labeling systems provide significant benefits to both businesses and consumers. Retailers increasingly rely on modern digital tools to respond to real-time market conditions, adjust prices to reflect changes in supply and demand, and manage inventory efficiently. Electronic shelf labels allow retailers to update prices quickly and accurately across thousands of products, reducing human error and ensuring consumers see consistent pricing at the shelf and checkout. These systems also allow retailers to rapidly manage inventory in ways that reduce waste and improve product availability.

Senate Bill 889 contains several concepts that are broadly and vaguely defined, which could make longstanding and beneficial business practices infeasible rather than addressing only the narrow set of behaviors lawmakers intend to target. Terms such as “surveillance-based price setting” rely on definitions tied to consumer data processing and profiling that may inadvertently capture a wide range of common business practices. Without clear guardrails, the bill risks restricting routine and consumer-friendly pricing strategies rather than preventing genuinely harmful conduct. The bill, as drafted, provides no path for retailers to use ordinary shopping information to offer curated promotions or discounts. Retailers frequently rely on standard purchasing data to provide customers with personalized savings, loyalty rewards, and targeted promotions. Restricting these common practices could limit retailers’ ability to offer discounts that benefit consumers.

By failing to clearly distinguish between harmful practices and legitimate data-driven operational tools, Senate Bill 889 risks discouraging the adoption of technologies that improve pricing accuracy, efficiency, and consumer experience. For these reasons, the MTC respectfully requests an unfavorable report on Senate Bill 889.

For more information call:

Andrew G. Vetter

J. Steven Wise

Danna L. Kauffman

Christine K. Krone

410-244-7000