



Testimony of the Consumer Federation of America in Support of Maryland Surveillance Pricing Legislation: HB895/SB387

Ben Winters, Director of AI and Privacy | bwinters@consumerfed.org

The Consumer Federation of America (CFA) is an association of over 200 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.

CFA urges the committee to advance HB895/SB387, with recommended amendments to ensure it is catching both current and future harm, as well as aligning definitions throughout the state.

Algorithms increasingly mediate critical determinations for Marylanders – housing eligibility, hiring decisions, what content they’re shown, and how much they pay for food. This is often done with no transparency or choice for consumers, and to the detriment of their bank accounts.

We are witnessing an increase in the use of algorithmic tools and personal data to determine and change the prices of goods and services across the economy. There is no more essential purchase than food. It is unfair and unacceptable for food prices to fluctuate constantly, leaving families unable to plan their budgets effectively. Shoppers shouldn’t have to try to optimize their purchases to get the best prices, leading to unnecessary stress and the risk of overpaying.

Maryland residents should be able to know what items will cost without worrying whether they could have paid less based on the time of day, previous transactions, or personal characteristics that are beyond their control.

We do recommend two changes: (1) align the relevant data definitions to the existing definitions under Maryland’s data privacy law and (2) include explicit inclusion of online food retailers like Instacart and ensure massive corporations like Amazon’s Whole Foods have to comply regardless of their physical footprint in MD borders.

Thank you, and please don’t hesitate to reach out with any questions we can answer or ways we can assist in your consideration of this bill.

March 2026