

# SENATE BILL REPORT

## SB 6312

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As of January 29, 2026

**Title:** An act relating to prohibiting surveillance-based price discrimination and surge pricing for retail goods.

**Brief Description:** Prohibiting surveillance-based price discrimination and surge pricing for retail goods.

**Sponsors:** Senators Saldaña, Alvarado, Conway, Dhingra, Frame, Hasegawa, Lovelett, Nobles, Shewmake, Stanford and Valdez.

**Brief History:**

**Committee Activity:** Business, Trade & Economic Development: 1/28/26.

**Brief Summary of Bill**

- Specifies pricing practices for a business that sells retail products in a grocery store, including clearly posting the price and prohibiting the use of surveillance pricing or surge pricing.
- Prohibits the use of electronic shelf label systems in retail stores larger than 15,000 square feet until January 1, 2030.
- Specifies that violation of the pricing practices is an unfair or deceptive act under the Consumer Protection Act.
- Requires the Department of Commerce to study the use of electronic shelf label systems and report on price transparency and employee job security by June 30, 2029.

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**SENATE COMMITTEE ON BUSINESS, TRADE & ECONOMIC DEVELOPMENT**

**Staff:** William Bridges (786-7312)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Dynamic Pricing. Dynamic pricing, also referred to as surge pricing or variable pricing, occurs when a business changes the price of retail goods based on an individual user or demand for the goods. Some businesses use algorithms to consider competitor pricing, supply and demand, or other market factors.

Grocery Establishment. A grocery establishment is defined in state law as a retail store that is over 15,000 square feet in size and that sells primarily household foodstuffs for off-site consumption, including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods. Other household supplies or other products must be secondary to the primary purpose of food sales.

Consumer Protection Act. The Consumer Protection Act (CPA) allows a person injured by an unfair or deceptive practice to bring a private cause of action for actual damages, injunctive relief, reasonable attorney's fees, and treble damages. The Office of the Attorney General may investigate and prosecute claims under the CPA on behalf of the state or individuals in the state as well.

**Summary of Bill:** Limiting Business Price Modifications of Certain Retail Goods in Grocery Establishments. Retail grocery establishments are required to take the following specified actions regarding the pricing of retail goods:

- an establishment must clearly post the price of goods in a retail location;
- an establishment may not use surveillance-based price discrimination to modify the price of goods for a consumer—surveillance-based price discrimination means the practice of altering the price of goods based on analysis of individual data associated with that consumer;
- an establishment is prohibited from using surge pricing to modify the price of goods—surge pricing means increasing the price of a good or service based on demand or willingness to pay; and
- an establishment may not use an electronic shelf label system in a retail store 15,000 square feet or larger until January 1, 2030—electronic shelf label system means the use of technology to display prices, when that technology has the capacity to use consumer data to change the price of goods.

Providing Exceptions. Small independent businesses, with less than 50 employees, are excluded from the pricing requirements. Reducing a posted price through a loyalty or reward program is not considered surveillance-based price discrimination or surge pricing.

Providing for Enforcement. Violations of requirements relating to pricing practices are deemed to affect the public interest and constitute an unfair or deceptive act in trade or commerce for purposes of the CPA.

Defining Terms. Goods are defined as retail products for sale in a grocery establishment. Numerous other terms are defined, including algorithm, personalized pricing or algorithmic

pricing, and surveillance pricing, among others.

Requiring a Department of Commerce Study of Electronic Shelf Labels. The Department of Commerce is required to study the use and impact of electronic shelf label systems on pricing transparency and employee job security. The Department of Commerce must submit a report to the Legislature with findings and recommendations by June 30, 2029.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.