

House Bill 1439

By: Representatives Park of the 107<sup>th</sup>, McClain of the 109<sup>th</sup>, Sanchez of the 42<sup>nd</sup>, McQueen of the 61<sup>st</sup>, Evans of the 57<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia  
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to prohibit the use of  
3 surveillance pricing in retail food establishments subject to certain exceptions; to provide for  
4 limits on the use of electronic shelf labels; to provide for enforcement and penalties; to  
5 provide for definitions; to provide for statutory construction; to provide for a short title; to  
6 provide for legislative findings; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Surveillance Pricing Act."

11 **SECTION 2.**

12 The General Assembly finds that:

13 (1) It is the policy of this state to protect consumers from predatory pricing schemes in  
14 whatever iteration they appear or evolve. Advancements in algorithms, artificial

15 intelligence, and technology have created retail environments where it is possible to set  
16 pricing for a good or service based on personal or protected data;

17 (2) As of January 1, 2026, there are no prohibitions on companies using personal or  
18 protected data to set prices, which presents a distinct potential for companies to violate  
19 consumer privacy rights and may engage in discriminatory practices;

20 (3) Although offering goods and services at different prices based on consumer demand  
21 is not new, there are important differences between price optimization and surveillance  
22 pricing. It is in the interest of this state and its consumers that technologies or business  
23 models which can impact consumers or competition by the monetization of a consumer's  
24 personal information be regulated by such a policy;

25 (4) Business models in surveillance pricing have results that will lead to the elimination  
26 of numerous jobs relied upon by the communities of this state for the livelihood of its  
27 citizens and by the state directly for economic growth. Protection of these jobs will further  
28 safeguard consumers who are part of this economic ecosystem. It will add to the growth  
29 of this state's economy and job market. By enacting rules around dynamic, personalized  
30 algorithmic, or surveillance pricing, this state can protect these jobs and promote the  
31 growth of jobs in the future; and

32 (5) Transparency regarding the use of artificial intelligence in retail environments is  
33 necessary to ensure that automation serves as an aid to the workforce rather than a tool for  
34 displacement.

35 **SECTION 3.**

36 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
37 relating to the "Fair Business Practices Act of 1975," is amended in subsection (b) of Code  
38 Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful  
39 and examples, by deleting "and" at the end of paragraph (36), by replacing the period with  
40 "; and" at the end of paragraph (37), and by adding a new paragraph to read as follows:

41 "(38) Failure to comply with the provisions of Code Section 10-1-393.22."

42 **SECTION 4.**

43 Said part is further amended by adding a new Code section to read as follows:

44 "10-1-393.22.

45 (a) As used in this Code section, the term:

46 (1) 'Electronic shelf label' means an electronic paper display or other digital price tag that  
47 presents product and pricing information.

48 (2) 'Electronic surveillance technology' means a technological method, system, or other  
49 tool used to observe, monitor, or collect personal data related to a consumer, including,  
50 but not limited to, sensors, cameras, device tracking, biometric monitoring, and facial  
51 recognition technology.

52 (3) 'Essential commodity' means milk; bread; eggs; fresh produce; meats; grains; potable  
53 water; ice; infant care items, including, but not limited to, baby formula, diapers, and  
54 infant hygiene products; medical and hygiene products, including, but not limited to,  
55 over-the-counter medications, feminine hygiene products, and soap; and other similar  
56 goods or products necessary for the sustenance of life or health.

57 (4) 'Personal data' means, regardless of how collected, any quality, feature, attribute,  
58 behavior, trait, or other data of a consumer that identifies; could be reasonably linked to,  
59 directly or indirectly; or is capable of being associated with a specific consumer or a  
60 household of a consumer.

61 (5) 'Protected class data' means any data about a particular consumer or group of  
62 consumers that directly, in combination, or by implication identifies a characteristic that  
63 is legally protected from discrimination under the laws of this state or federal law,  
64 including, but not limited to, ethnicity, national origin, age, disability, sex, pregnancy  
65 outcomes, and reproductive healthcare.

66 (6) 'Retail food establishment' means an establishment that is:

67 (A) At least 15,000 square feet in size and sells food products directly to consumers  
68 for off-site consumption as its primary function; or

69 (B) At least 85,000 square feet in size and dedicates at least 10 percent of its sales floor  
70 to the sale of food products directly to consumers for off-site consumption.

71 (7) 'Surveillance pricing' means adjusting the price of an item for a particular consumer  
72 or group of consumers based, in whole or in part, on personal data, including, but not  
73 limited to, any such adjustments made using electronic surveillance technology or an  
74 electronic shelf label.

75 (b)(1) Except as provided in paragraph (2) of this subsection, no retail food  
76 establishment shall engage in surveillance pricing.

77 (2) Nothing in this subsection shall be construed to apply to any retail food establishment  
78 that:

79 (A) Offers a discounted price on a good or service based on personal data to members  
80 of a particular group that relates to occupation, age, military service, or student status;

81 (B) Offers a discount or reward based on personal data related to the consumer's  
82 purchase history or participation in a loyalty program or similar program; or

83 (C) Uses an electronic shelf display to adjust pricing on a good or service throughout  
84 the day; provided, however, that:

85 (i) Any adjusted price applies equally to all consumers within such retail food  
86 establishment and is not based, in whole or in part, on protected class data;

87 (ii) Such retail food establishment shall not increase the price of an essential  
88 commodity more than once during each 24 hour period; and

89 (iii) Such retail food establishment provides a clear and conspicuous printed daily  
90 maximum price for each good or service which has an electronic shelf display.

91 (c) Any violation of subsection (b) of this Code section shall constitute an unfair or  
92 deceptive act or practice in the conduct of consumer transactions under this part and shall  
93 be subject to public enforcement by the Attorney General pursuant to Code

94 Section 10-1-397 and enforcement by a private right of action pursuant to Code  
95 Section 10-1-399."

96 **SECTION 5.**

97 All laws and parts of laws in conflict with this Act are repealed.