

§§1-7
C.56:8-23.1
to 56:8-23.7
§5
Note to
C.52:18A-234.11
§9
Note

P.L. 2026, CHAPTER 55, *approved July 23, 2026*
Assembly Committee Substitute (*Third Reprint*) for
Assembly, Nos. 4085 and 4523

1 AN ACT concerning price setting and supplementing P.L.1960, c.39
2 (C.56:8-1 et seq.).
3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6
7 1. This act shall be known and may be cited as the “Fair Price
8 Protection Act.”
9
10 2. As used in this act:
11 “Bona fide discount” means an offered price that is lower than
12 the price at which groceries and other foodstuffs are ¹**[widely]**
13 advertised or¹ offered ¹for sale¹ to the public ¹in a person’s recent,
14 regular course of business,¹ and not for the purpose of establishing
15 a fictitious price to enable the subsequent offer of a reduction.
16 “Electronic shelving label” means an electronic ¹**[and Internet-**
17 **connected]¹** display that presents the product and pricing
18 information for groceries and other foodstuffs ¹including, but not
19 limited to, labels that are visible to the consumer only after the
20 consumer has scanned a quick-response (QR) code, barcode, or
21 other code¹.
22 “Groceries and other foodstuffs” means dairy products, meat and
23 delicatessen products, produce products, seafood products,
24 carbonated beverages, coffee and other beverages, snack foods,
25 candy products, baked products, paper products, household cleaning
26 items, health and beauty products, frozen foods, pet foods and
27 supplies, and any other edible product not previously listed ²,
28 except for any food or beverages prepared for immediate
29 consumption on or off the premises of a food service
30 establishment².
31 “Location” means consumer geolocation data that is used to infer
32 a consumer's identity, permanent residence, or membership in a
33 protected class. “Location” shall not include data used to fulfill a

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly ACE committee amendments adopted May 14, 2026.
²Assembly AAP committee amendments adopted June 23, 2026.
³Assembly ABU committee amendments adopted June 28, 2026.

1 requested good or service ¹【, calculate operational costs, or assess
2 supply, demand, and local marketplace conditions】¹.

3 “Person” means any natural person or a legal representative,
4 partnership, corporation, company, trust, business entity or
5 association, and any agent, employee, salesman, partner, officer,
6 director, member, stockholder, associate, trustee or cestuis que
7 trustent thereof.

8 “Personal data” means any information that is linked or is
9 reasonably linkable to an identified or identifiable ¹【person】
10 consumer¹.

11 ¹“Price” means a stated monetary amount advertised or offered
12 to a consumer ², ² including prior to the application of a discount,
13 ²【while proposing a hypothetical discount, or】 when a hypothetical
14 discount is proposed, ² after a discount has been applied ², or after
15 all related costs, fees, and other material terms of the transaction
16 that directly affect the amount paid by the consumer have been
17 applied². “Price” shall include an advertisement, price
18 advertisement, price reduction advertisement, and targeted discount
19 as those terms are defined in N.J.A.C.13:45A-9.1 or its successor
20 regulation.¹

21 ¹【“Personalized algorithmic” “Surveillance” pricing” means ¹an
22 action¹ including a pricing strategy in which the price of groceries
23 and other foodstuffs is ¹, in whole or in part,¹ determined, adjusted,
24 optimized, or recommended by an algorithm or automated system,
25 based, in whole or in part, on using personal data, including data
26 derived, or inferred from other data, and that results in price
27 variation for individual consumers or groups of consumers.
28 ¹“Surveillance pricing” shall include the pricing of groceries and
29 other foodstuffs based on data collected through electronic
30 surveillance technology, which involves the use of technological
31 methods, systems, or tools including, but not limited to, sensors,
32 cameras, device tracking, biometric monitoring, and other forms of
33 observation or data collection capable of gathering information
34 about a consumer’s behavior, characteristics, location, or other
35 personal attributes, whether in a physical or digital environment.¹

36 ¹【“Surveillance pricing” means any action taken to price
37 groceries and other foodstuffs as determined, adjusted, optimized,
38 or recommended by an algorithm or automated system, in whole or
39 in part, based, in whole or in part, on personal data, whether in
40 physical or digital environments. This shall include, but not be
41 limited to, the use of technological methods, systems, or tools
42 including, but not limited to, sensors, cameras, device tracking,
43 biometric monitoring, or other forms of observation or data
44 collection, capable of gathering information about a person’s
45 behavior, characteristics, location, or other personal attributes,
46 whether in physical or digital environments.】¹

3. a. Notwithstanding any law, regulation, or rule to the contrary, it shall be considered an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a person to use ¹~~personalized algorithmic pricing,~~¹ surveillance pricing ¹~~[,]~~¹ or any ¹other¹ pricing strategy that determines or varies the sale price of groceries and other foodstuffs based, in whole or in part, on personal data.

b. The provisions of this section shall not prohibit any person from offering a different price on groceries and other foodstuffs based upon:

(1) reasonable costs associated with providing groceries and other foodstuffs to different ¹~~persons]~~ consumers, provided that a price shall not be changed more than once in a 24-hour period¹;

(2) a bona fide discount for which eligibility conditions or criteria are ¹publicly and¹ conspicuously disclosed and uniformly offered based upon those conditions or criteria, and to which any member of a broadly defined group, including, but not limited to a group of teachers or veterans, is eligible; or

(3) a bona fide discount offered as part of a loyalty program, including loyalty programs that allow the accrual or exchange of points, credits, or any similar nonmonetary system of value, or loyalty programs that offer ¹discounts, rebates, or¹ coupons to individual ¹~~customers]~~ consumers¹ based on their purchases ¹and loyalty programs that include pricing benefits offered by another person, provided that:

(a) consumers opt-in to the loyalty program on a voluntary basis;

(b) all members of the loyalty program receive ³~~uniform]~~³ pricing benefits ³pursuant to uniform terms and conditions³;

(c) the loyalty program provides clear and conspicuous disclosures of all pricing benefits, ³available³ discounts, and data practices to participants ², and shall, upon request, make the disclosures available to the Division of Consumer Affairs in the Department of Law and Public Safety no later than 14 days from the date the request was made² ; and

(d) the loyalty program discloses all ²~~pricing benefits, discounts]~~² terms and conditions² , and data practices to the public¹.

c. To the extent a person employs personal data to offer a difference in price on groceries and other foodstuffs pursuant to subsection b. of this section, that personal data shall not be used for any other purpose ³without the consumer's consent³.

²4.a. It shall be considered an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any person to use an electronic shelving label connected to any technology that employs ¹~~personalized algorithmic pricing,~~¹ surveillance pricing ¹~~[,]~~¹ or

1 any ¹other¹ pricing strategy that determines or varies the sale price
2 of groceries and other foodstuffs based, in whole or in part, on
3 personal data.

4 b. Notwithstanding any provision of law, rule, or regulation to
5 the contrary, there shall be a one-year moratorium on the new use of
6 electronic shelf labels in this State.

7 c. Before and during the moratorium established pursuant to
8 subsection b. of this section, the New Jersey Innovation Authority
9 established pursuant to P.L.2025, c.190 (C.52:18A-234.8 et seq.), in
10 consultation with the Division of Consumer Affairs, shall conduct a
11 study on the use of electronic shelf labels. The study shall examine,
12 at a minimum:

13 (1) the effects of the use of electronic shelf labels; and

14 (2) the impact of electronic shelf labels on surveillance pricing.

15 d. No later than six months before the end of the moratorium
16 established pursuant to subsection b. of this section, the New Jersey
17 Innovation Authority shall submit the study's findings and
18 conclusions in a final report, together with any recommendations
19 for legislative or administrative action, to the Governor and,
20 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
21 Legislature.

22 e. Upon the expiration of the moratorium established pursuant
23 to subsection b. of this section, the use of electronic shelf labels
24 shall be permitted in this State, provided that the use of electronic
25 shelf labels are in compliance with the provisions of P.L.1960, c.39
26 (C.56:8-1 et seq.) and any other applicable law or regulation
27 promulgated by the Director of the Division of Consumer Affairs,
28 unless the Legislature enacts a law to the contrary. ²

29

30 ²⁴. a. Notwithstanding any provision of law, rule, or regulation
31 to the contrary, there shall be a one-year moratorium on the new use
32 of electronic shelf labels in this State. Upon the expiration of the
33 moratorium, the new use of electronic shelf labels shall be
34 permitted in this State, provided that the new use of electronic shelf
35 labels are in compliance with the provisions of P.L.1960, c.39
36 (C.56:8-1 et seq.) and any other applicable law, and any rule or
37 regulation promulgated by the Director of the Division of Consumer
38 Affairs, unless the Legislature enacts a law to the contrary.

39 b. Nothing in this section shall be construed to prohibit a
40 person from purchasing, installing, or deploying new electronic
41 shelf labels solely for the purpose of repairing or replacing existing
42 electronic shelf labels that were in operation at the same place of
43 business prior to the effective date of the moratorium.²

44

45 ²⁵. a. Before and during the moratorium established pursuant to
46 subsection a. of section 4 of this act, the New Jersey Innovation
47 Authority ³in the Department of the Treasury³ established pursuant

1 to P.L.2025, c.190 (C.52:18A-234.8 et seq.), in consultation with
 2 the Division of Consumer Affairs, shall conduct a study on the use
 3 of electronic shelf labels. The study shall examine, at a minimum:

- 4 (1) the effects of the use of electronic shelf labels; and
 5 (2) the impact of electronic shelf labels on surveillance pricing.

6 b. No later than six months before the end of the moratorium
 7 established pursuant to subsection a. of section 4 of this act, the
 8 New Jersey Innovation Authority shall submit the study's findings
 9 and conclusions in a report, together with any recommendations for
 10 legislative or administrative action, to the Governor and, pursuant
 11 to section 2 of P.L.1991, c.164 ³[(C.52:14-19.1)] (C.52:14-19.1)³,
 12 to the Legislature.²

13
 14 ²6. Nothing in this act shall be construed to apply to the pricing,
 15 advertisement, offer, or sale of food or beverages by an
 16 establishment primarily engaged in the preparation and sale of food
 17 or beverages for immediate consumption, whether the food or
 18 beverages are consumed on or off the premises.²

19
 20 ²[5.] 7.² ¹If the Attorney General has reason to believe that
 21 the interest of the residents of this State has been or is threatened or
 22 adversely affected by an act or practice of a person in violation of
 23 subsection a. of section 3 or of section 4 of this act, or a regulation
 24 promulgated pursuant to section 6 of this act, the Attorney General
 25 may] In addition to any other authority provided by law or
 26 regulation, the Attorney General may, for any violation of this act,
 27 ³[P.L. , c. (C.) (pending before the Legislature as this
 28 bill)]³ or any regulations adopted pursuant thereto, or when the
 29 Attorney General deems it to be in the public interest,¹ bring a civil
 30 action on behalf of the residents of this State in any court of
 31 competent jurisdiction to:

- 32 a. enjoin the act or practice;
 33 b. enforce compliance with the provisions of this act;
 34 c. obtain for each ¹negligent or greater¹ violation, in addition
 35 to any other penalty provided by law, actual monetary damages
 36 incurred from the violation ³[or \$50,000, whichever is greater]³; or
 37 d. obtain, for each violation, any other restitution, penalty, or
 38 relief the court may deem appropriate.

39
 40 ²[6.] 8.² The Director of the Division of Consumer Affairs in
 41 the Department of Law and Public Safety may adopt rules and
 42 regulations pursuant to the "Administrative Procedure Act,"
 43 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of
 44 this act.

45
 46 ²[7.] 9.² This act shall take effect on the first day of the
 47 ¹[seventh] 13th¹ month next following the date of enactment,

1 except that ²: the provisions of section 4 shall take effect on the first
2 day of the seventh month next following the date of enactment; the
3 provisions of section 5 shall take effect immediately; and² the
4 Director of the Division of Consumer Affairs and the Chief
5 Innovation Officer of the New Jersey Innovation Authority may
6 take any anticipatory administrative action in advance as shall be
7 necessary for the implementation of this act.

8

9

10

11

12 Establishes “Fair Price Protection Act.”