

SENATE, No. 3612

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 19, 2026

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator JOSEPH A. LAGANA

District 38 (Bergen)

Co-Sponsored by:

Senator Scutari

SYNOPSIS

Prohibits business entities from using consumer's personal data to set prices for merchandise or services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/2026)

1 AN ACT prohibiting certain uses of personal data and
2 supplementing P.L.1960, c.39 (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. As used in this act:

8 “Biometric data” means data generated by automatic or
9 technological processing, measurements, or analysis of a
10 consumer’s biological, physical, or behavioral characteristics
11 including, but not limited to: fingerprint; voiceprint; eye retinas;
12 irises; facial mapping; facial geometry; facial templates; and other
13 unique biological, physical, or behavioral patterns or
14 characteristics, that are used, or intended to be used, to identify or
15 make inferences about a specific consumer.

16 “Business entity” means any natural or legal person, business
17 corporation, professional services corporation, limited liability
18 company, partnership, limited partnership, business trust,
19 association, or any other legal commercial entity organized under
20 the laws of this State or any other state or foreign jurisdiction.

21 “Consumer” means a person who is a resident of this State acting
22 only in an individual or household context. "Consumer" shall not
23 include a person acting in a commercial context.

24 “Genetic information” means the information, including
25 information derived or inferred from genetic testing or analysis,
26 about genes, gene products, or inherited characteristics that may
27 derive from a person or family member.

28 “Merchandise” means any objects, wares, goods, commodities,
29 services, and anything offered, directly or indirectly, to the public
30 for sale.

31 “Personal data” means any data that identifies or could
32 reasonably be linked, directly or indirectly, with a specific
33 consumer or a consumer’s device.

34 “Personalized algorithmic pricing” means a pricing strategy in
35 which the price of merchandise or services is determined, adjusted,
36 optimized, or recommended by an algorithm or automated system
37 using a consumer’s personal data including data that is derived, or
38 inferred, and that results in price variation for individual consumers
39 or groups of consumers.

40 “Protected class data” means information about a consumer or a
41 group of consumers that directly, in combination or by implication,
42 identifies a characteristic that is legally protected from
43 discrimination under the laws of this State or under federal law
44 including, but not limited to, ethnicity, national origin, age,
45 disability, predisposing genetic characteristic, sex, sexual
46 orientation, gender identity and expression, pregnancy-related
47 conditions, marital status, familial status, religion, and reproductive
48 health care.

1 This bill prohibits business entities from using personalized
2 algorithmic pricing, surveillance pricing, or any pricing strategy
3 that determines, or varies, the sale price of merchandise or services
4 based, in whole or in part, on a consumer's personal data, including
5 biometric data, genetic information, or protected class data. A
6 violation of the provisions of this bill is an unlawful practice under
7 the consumer fraud act which is punishable by a monetary penalty
8 of not more than \$10,000 for a first offense and not more than
9 \$20,000 for any subsequent offense. In addition, violations may
10 result in cease and desist orders issued by the Attorney General, the
11 assessment of punitive damages, and the awarding of treble
12 damages and costs to the injured party.

13 The provisions of this bill do not limit any business entity from
14 providing consumers with a discount, promotional price, or loyalty
15 program benefit.