

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 3612 and 3717

STATE OF NEW JERSEY

DATED: MARCH 16, 2026

The Senate Commerce Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 3612 and 3717.

This committee substitute establishes the “Fair Price Protection Act.”

This bill makes it an unlawful practice and a violation of the consumer fraud act for a person to use personalized algorithmic pricing, surveillance pricing, or any pricing strategy that determines or varies the sale price of groceries and other foodstuffs based, in whole or in part, on personal data.

The bill does 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 persons;

(2) a bona fide discount for which eligibility conditions or criteria are 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 coupons to individual customers based on their purchases.

The bill also makes it an unlawful practice and a violation of the consumer fraud act for any person to use an electronic shelving label connected to any technology that employs personalized algorithmic pricing, surveillance pricing, or any pricing strategy that determines or varies the sale price of groceries and other foodstuffs based, in whole or in part, on personal data.

The Attorney General may bring a civil action to enjoin an act or practice that is in violation of the provision of this bill, enforce compliance, and obtain actual monetary damages incurred from the violation or \$50,000, whichever is greater, as well as any other restitution, penalties, or relief the court may deem appropriate.

A violation of the consumer fraud act is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, violations may result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.