

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 3612 and 3717

STATE OF NEW JERSEY
222nd LEGISLATURE

ADOPTED MARCH 16, 2026

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator JOSEPH A. LAGANA

District 38 (Bergen)

Co-Sponsored by:

**Senators Scutari, McKnight, Moriarty, Polistina, Turner, Beach and
Diegnan**

SYNOPSIS

Establishes “Fair Price Protection Act.”

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Commerce Committee.



(Sponsorship Updated As Of: 5/14/2026)

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 widely offered
13 to the public and not for the purpose of establishing a fictitious
14 price to enable the subsequent offer of a reduction.

15 “Electronic shelving label” means an electronic and Internet-
16 connected display that presents the product and pricing information
17 for groceries and other foodstuffs.

18 “Groceries and other foodstuffs” means dairy products, meat and
19 delicatessen products, produce products, seafood products,
20 carbonated beverages, coffee and other beverages, snack foods,
21 candy products, baked products, paper products, household cleaning
22 items, health and beauty products, frozen foods, pet foods and
23 supplies, and any other edible product not previously listed.

24 “Location” means consumer geolocation data that is used to infer
25 a consumer's identity, permanent residence, or membership in a
26 protected class. “Location” shall not include data used to fulfill a
27 requested good or service, calculate operational costs, or assess
28 supply, demand, and local marketplace conditions.

29 “Person” means any natural person or a legal representative,
30 partnership, corporation, company, trust, business entity or
31 association, and any agent, employee, salesman, partner, officer,
32 director, member, stockholder, associate, trustee or cestuis que
33 trustent thereof.

34 “Personal data” means any information that is linked or is
35 reasonably linkable to an identified or identifiable person.

36 “Personalized algorithmic pricing” means a pricing strategy in
37 which the price of groceries and other foodstuffs is determined,
38 adjusted, optimized, or recommended by an algorithm or automated
39 system, based, in whole or in part, on using personal data, including
40 data derived, or inferred from other data, and that results in price
41 variation for individual consumers or groups of consumers.

42 “Surveillance pricing” means any action taken to price groceries
43 and other foodstuffs as determined, adjusted, optimized, or
44 recommended by an algorithm or automated system, in whole or in
45 part, based, in whole or in part, on personal data, whether in
46 physical or digital environments. This shall include, but not be
47 limited to, the use of technological methods, systems, or tools
48 including, but not limited to, sensors, cameras, device tracking,

1 biometric monitoring, or other forms of observation or data
2 collection, capable of gathering information about a person's
3 behavior, characteristics, location, or other personal attributes,
4 whether in physical or digital environments.

5
6 3. a. Notwithstanding any law, regulation, or rule to the
7 contrary, it shall be considered an unlawful practice and a violation
8 of P.L.1960, c.39 (C.56:8-1 et seq.) for a person to use personalized
9 algorithmic pricing, surveillance pricing, or any pricing strategy
10 that determines or varies the sale price of groceries and other
11 foodstuffs based, in whole or in part, on personal data.

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

15 (1) reasonable costs associated with providing groceries and
16 other foodstuffs to different persons;

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

22 (3) a bona fide discount offered as part of a loyalty program,
23 including loyalty programs that allow the accrual or exchange of
24 points, credits, or any similar nonmonetary system of value, or
25 loyalty programs that offer coupons to individual customers based
26 on their purchases.

27 c. To the extent a person employs personal data to offer a
28 difference in price on groceries and other foodstuffs pursuant to
29 subsection b. of this section, that personal data shall not be used for
30 any other purpose.

31
32 4. It shall be considered an unlawful practice and a violation of
33 P.L.1960, c.39 (C.56:8-1 et seq.) for any person to use an electronic
34 shelving label connected to any technology that employs
35 personalized algorithmic pricing, surveillance pricing, or any
36 pricing strategy that determines or varies the sale price of groceries
37 and other foodstuffs based, in whole or in part, on personal data.

38
39 5. If the Attorney General has reason to believe that the interest
40 of the residents of this State has been or is threatened or adversely
41 affected by an act or practice of a person in violation of subsection
42 a. of section 3 or of section 4 of this act, or a regulation
43 promulgated pursuant to section 6 of this act, the Attorney General
44 may bring a civil action on behalf of the residents of this State in
45 any court of competent jurisdiction to:

46 a. Enjoin the act or practice;

47 b. Enforce compliance with the provisions of this act;

1 c. Obtain for each violation, in addition to any other penalty
2 provided by law, actual monetary damages incurred from the
3 violation or \$50,000, whichever is greater; or

4 d. Obtain, for each violation, any other restitution, penalty, or
5 relief the court may deem appropriate.

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7 6. The Director of the Division of Consumer Affairs in the
8 Department of Law and Public Safety may adopt rules and
9 regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of
11 this act.

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13 7. This act shall take effect on the first day of the seventh
14 month next following the date of enactment, except that the
15 Director of the Division of Consumer Affairs may take any
16 anticipatory administrative action in advance as shall be necessary
17 for the implementation of this act.