

SENATE, No. 4314

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED MAY 21, 2026

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Prohibits personalized algorithmic pricing and surveillance-based pricing by certain retailers in online commerce.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/28/2026)

1 AN ACT prohibiting certain pricing structures in online commerce
2 and 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 the same as that term is defined by section
9 1 of P.L.2023, c.266 (C.56:8-166.4).

10 “Business entity” means:

11 (1) an online retailer that sells goods or services via the Internet
12 and generates at least \$10 million in annual gross revenue from sales
13 in New Jersey;

14 (2) an airline;

15 (3) a ticket broker; or

16 (4) a transportation network company.

17 “Consumer” means the same as that term is defined by section 1
18 of P.L.2023, c.266 (C.56:8-166.4).

19 “Personal data” means the same as that term is defined by section
20 1 of P.L.2023, c.266 (C.56:8-166.4).

21 “Personalized algorithmic pricing” means a pricing strategy that
22 is determined, adjusted, optimized, or recommended by an algorithm
23 or automated system using a consumer’s personal data, including
24 data that is derived or inferred, and that results in price variation for
25 individual consumers or groups of consumers.

26 “Protected class data” means information about a consumer or a
27 group of consumers that directly, in combination or by implication,
28 identifies a characteristic that is legally protected from
29 discrimination under the laws of this State or under federal law
30 including, but not limited to, ethnicity, national origin, age,
31 disability, predisposing genetic characteristics, sex, sexual
32 orientation, gender identity or expression, pregnancy-related
33 conditions, marital status, familial status, religion, and reproductive
34 health care.

35 “Surge pricing” means charging a transportation network
36 company rider a higher fare rate than the usual fare rate charged for
37 the prearranged ride during times of high demand for prearranged
38 rides including, but not limited to, by use of a rate multiplier.

39 “Surveillance-based pricing” means a pricing strategy that is used
40 to offer or set a customized sale price for merchandise or services for
41 a specific consumer or group of consumers based, in whole or in part,
42 on information collected through electronic surveillance technology.
43 The term includes the use of technological methods, systems, or tools
44 including, but not limited to, sensors, cameras, device tracking,
45 biometric data monitoring, and other forms of observation or data
46 collection, capable of gathering information about a consumer’s
47 behavior, characteristics, location, and other personal attributes.

1 “Ticket broker” means a person situated in and operating in this
2 State who is involved in the business of reselling tickets of admission
3 to places of entertainment and who charges a premium in excess of
4 the price, plus taxes, printed on the tickets. For the purposes of this
5 act the term “ticket broker” shall not include an individual not
6 regularly engaged in the business of reselling tickets; who resells less
7 than 30 tickets during any one-year period; and who obtained the
8 tickets for the individual’s own use or the use of the individual’s
9 family, friends, or acquaintances.

10 “Transportation network company” means a corporation,
11 partnership, sole proprietorship, or other entity that is registered as a
12 business in the State or operates in this State, and uses a digital
13 network to connect a transportation network company rider to a
14 transportation network company driver to provide a prearranged ride.
15 A transportation network company shall not include an individual,
16 corporation, partnership, sole proprietorship, or other entity
17 arranging non-emergency medical transportation for individuals
18 qualifying for Medicaid under the “New Jersey Medical Assistance
19 and Health Services Act,” P.L.1968, c.413 (C.30:4D-1 et seq.), or
20 Medicare under section 102 of the “Health Insurance for the Aged
21 Act” (42 U.S.C. s.1395 et seq.) pursuant to a contract with the State
22 or a managed care organization, whereby Medicaid or Medicare
23 funding is used to pay for the non-emergency medical transportation
24 services.

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26 2. a. Notwithstanding any law, regulation, or rule to the contrary,
27 it shall be an unlawful practice and a violation of P.L.1960, c.39
28 (C.56:8-1 et seq.) for a business entity to use personalized
29 algorithmic pricing, surveillance-based pricing, or a pricing strategy
30 that determines or varies the sale price of merchandise or services
31 based, in whole or in part, on a consumer’s personal data including,
32 but not limited to, biometric data and protected class data.

33 b. The provisions of this section shall not prohibit:

34 (1) a business entity from providing a consumer a discount,
35 promotional price, or loyalty program benefit; or

36 (2) surge pricing or price changes based on changes in supply.

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38 3. The Director of the Division of Consumer Affairs in the
39 Department of Law and Public Safety shall adopt rules and
40 regulations pursuant to the “Administrative Procedure Act,”
41 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of
42 this act.

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44 4. This act shall take effect on the first day of the fourth month
45 next following enactment, except that the Director of the Division of
46 Consumer Affairs in the Department of Law and Public Safety may
47 take any anticipatory administrative action in advance as shall be
48 necessary for the implementation of this act.

STATEMENT

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This bill supplements the consumer fraud act to prohibit certain business entities from using consumers' personal data to set prices in online forums.

Under the bill, airlines, large online retailers, ticket brokers, and ride share businesses are prohibited from using personalized algorithmic pricing, surveillance-based pricing, or a pricing strategy that determines or varies the sale price of merchandise or services based, in whole or in part, on a consumer's personal data including biometric data or protected class data. The provisions of the bill do not limit these businesses from providing consumers with a discount, promotional price, or loyalty program benefit.

A violation of the provisions of this bill is an unlawful practice under the consumer fraud act, which is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for a subsequent offense. Additionally, 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.