Testimony of Commissioner Samuel A.A. Levine
New York City Department of Consumer and Worker Protection

Before the Committee on Consumer and Worker Protection
Oversight Hearing on Surveillance and Dynamic Pricing
and Introductions 891, 892, and 813

June 17, 2026

Introduction

Good morning, Chair Epstein, and members of the Committee on Consumer and Worker Protection. My name is Sam Levine, and I am the Commissioner of the Department of Consumer and Worker Protection (DCWP). I am joined by our Chief of Staff, Carlos Ortiz, and Associate General Counsel, Andrew Schwenk. Thank you for the opportunity to testify before the committee today on these bills.

Protecting New Yorkers

The NYC Department of Consumer and Worker Protection (DCWP) is the nation's leading municipal enforcement agency, charged with delivering economic justice. DCWP leverages its authority to bring New Yorkers real economic relief and protect them from predatory, deceptive, and unfair practices that violate their rights as consumers and workers. This includes pioneering cutting-edge protections, such as the City's Consumer Protection Law, Protected Time Off Law, Fair Workweek Law, and Delivery Worker Laws, including the Minimum Pay Rate for delivery workers. Through licensing more than 45,000 businesses in over 45 industries, DCWP ensures fair competition and a level playing field for responsible small businesses that are integral to New York City's vibrant communities. DCWP also provides essential services such as free tax preparation and financial counseling to ensure New Yorkers keep more of what they earn and can plan for their futures. DCWP is committed to making sure New York City is a fairer, more affordable place to live.

Championing Consumers against Surveillance and Dynamic Pricing

Let me now turn to the subject of today's hearing – dynamic and surveillance pricing. I commend the Speaker and Majority Leader for these bold steps to ensure New York remains a leader when it comes to protecting consumers from emerging pricing abuses. This is an issue I care about deeply – over the last two years, I have launched federal studies, published reports, and testified before the U.S. Senate on the threat these practices pose. Yet, as with so many issues facing American consumers today, the federal government is asleep at the wheel. That is why these bills – which would arm New Yorkers with the strongest safeguards in America – are so critical.

The fact is, large corporations are getting ever-better at ripping us off. If you listen carefully to what executives are telling investors these days, they are often boasting about their ability to jack up prices to the maximum each consumer is willing to pay – what some investors are calling the "Holy Grail" of pricing. It is wrong, it is deeply unpopular, and thanks to the work of this body, it can soon be illegal in the City of New York.

And let's be clear. Surveillance and dynamic pricing practices are not just a threat to affordability. Companies today are collecting vast amounts of data on consumers – not only our purchases but our internet searches, our location, our ethnicity, and even data to infer our intelligence. This data can then be sold to data brokers and placed on the market for anyone to purchase. Last month, I was deeply concerned – but hardly surprised – to read reporting that ICE is now looking to purchase commercial data to track our immigrant neighbors .[1] It is becoming clearer and clearer that reforms are necessary not only to protect fair pricing but also our privacy and civil rights.

Finally, these practices also undermine small businesses, many of whom are already struggling. Surveillance and dynamic pricing create a race to the bottom, where firms compete over how much data they can collect from consumers in order to maximize their profits. Small businesses, in contrast, cannot collect vast reams of data, or spend millions to implement dynamic or surveillance pricing. This pattern threatens to further undermine small businesses already struggling to compete with corporate giants. For all these reasons, we applaud the Council's leadership in protecting both New York City consumers and small businesses from these unfair, unconscionable practices.

Introduction 891

Turning to the specifics of today's legislation, Introduction 891 would prohibit any person that sells, leases, or rents goods or services, whether online or offline, from engaging in surveillance pricing. DCWP supports Introduction 891. Surveillance pricing has no place in New York City. Prices should not be differentiated from one person to the next based on personal data like where they live, work, or their online history. We thank the Speaker for this historic and much-needed legislation, and we look forward to working to strengthen consumer protections to prevent predatory and exploitative business practices like surveillance pricing. Specifically, we'd like to work with Council on adding a private right of action to this bill to ensure that consumers have the proper tools to identify and respond to violations. We also think it is important to ensure that any personal data collected to administer discount programs is used only for such discount program and not for any harmful purpose, such as to increase prices for other consumers or to be sold to third-party data brokers.

Introduction 892

Introduction 892 would prohibit grocery stores from increasing the price of any item more than once in a 24-hour period. DCWP supports Introduction 892. Pricing is critical for New Yorkers' affordability issues, and we need to ensure we are proactively and effectively anticipating changes in the marketplace to ensure consumers are protected. We also have recommendations to share to strengthen the provisions of this bill with additional recordkeeping requirements and we look forward to working with Council on this legislation.

Introduction 813

Introduction 813 would allow DCWP to refuse to renew, suspend, or revoke a tobacco retailer dealer (TRD) license upon a finding that the licensee violated sections of the NYS Cannabis Law. We support the goal of this bill and look forward to working with council through the legislative process.

[1] https://www.politico.com/news/2026/05/30/ice-immigration-privacy-data-advertising-00939078

Conclusion

Thank you for the opportunity to testify before your committee on today's legislation. We look forward to working with the Council to consistently advance the strongest consumer protections in the country. I welcome any questions you may have for further discussion.

New York State Office of Attorney General
Letitia James

Testimony before the

New York City Council
Committee on Consumer and Worker Protection
Chair: Council Member Harvey Epstein

Hearing Topic: Prohibiting Surveillance Pricing
Int. Nos. 891 and 892

June 17, 2026

I. Introduction

Good morning Chair Epstein and members of the Committee on Consumer and Worker Protection. My name is Jarret Hova, I am a senior advisor to Attorney General Letitia James in the Office of Attorney General (OAG). On behalf of AG James, I'd like to thank Speaker Menin, Chair Epstein and this committee for inviting our office to testify at today's hearing. On a personal note, Chair Epstein, it's great to see and work with you in your new role.

II. About OAG's Work Protecting Consumers

Among the most significant responsibilities of the OAG is its work protecting consumers from fraud in the physical and online marketplaces. That work is conducted through two bureaus, the Consumer Frauds Bureau and the Bureau of Internet and Technology. Together, these bureaus enforce New York State's prohibition on unfair, deceptive, and abusive acts and practices and safeguard consumer privacy. Since Attorney General James took office, these bureaus have put billions of dollars back into the pockets of hard-working New York consumers and small businesses.

Among the current priorities of both bureaus is combatting the frauds that fuel our affordability crisis – taking on price gouging on staple products like eggs and baby formula, putting an end to subscription traps, shutting down predatory lenders, and, importantly for today's hearing, investigating how companies are weaponizing our data to charge all of us higher prices through surveillance pricing.

III. OAG's Concerns with Surveillance Pricing

As the state agency primarily responsible for protecting New York consumers, OAG views surveillance pricing as a direct and meaningful threat to the affordability crisis facing New Yorkers today. We support the state's current law requiring companies to disclose to consumers if and when they use Surveillance Pricing. That said, we have serious concerns about the practice and believe that an outright ban on the practice is the best way to protect consumers and lower prices. We support Intro. 891 and the Council's efforts to ban surveillance pricing in the City of New York.

To start, it is helpful to define the practice of surveillance pricing, which at bottom is the practice of setting or adjusting prices based on an individual's personal information. This is fundamentally different from traditional price setting where a seller sets a price based on its marginal cost in conjunction with market factors such as supply and demand. In this well-understood framework, generally one price exists for a particular good or service and, to the extent there are different prices available, those different prices are available to consumers based on some disclosed set of criteria, for example a coupon or for a seniors' or veterans' discount.

Surveillance pricing distorts this framework by varying prices based on individual consumer data – even varying the price to the same consumer over time based on a company's prediction (based on the consumer's browsing history) about the consumer's price sensitivity. Thus, a consumer may receive a different, higher price for the same good or service as another consumer searching at the same time for reasons entirely unique to that consumer and their shopping behavior. This practice has several significant harms, including the following:

1. **Fairness & Equity:** Consumers are not aware that they are being charged a different price than their neighbor, nor are they given any information about what drove the higher price. A consumer may even be told that their individualized price is a "discount" of a price paid by some consumers even where they are paying more than a significant percentage of other consumers.

   In addition, companies use surveillance pricing to assess a consumer's price sensitivity, which is often a proxy for a consumer's urgency or desperation. Surveillance pricing thus rewards consumers with more time to wait or shop around with lower prices and punishes consumers with zero flexibility with the highest prices. This urgency may be the greatest for consumers working multiple jobs and stretching income from paycheck to paycheck to make ends meet.

2. **Affordability:** Companies use surveillance pricing to predict the highest price each individual consumer is willing to pay, leading to higher average prices.
   a. The goal is to reduce consumer surplus, i.e., get as close as possible to each consumer's "reservation price" (highest price they'll pay before walking away) - if done perfectly, consumer surplus approaches zero. Empirical studies show that personalized pricing does indeed increase profits and reduce consumer surplus.

b. Moreover, because surveillance pricing can defeat a consumer's ability to comparison shop, a key driver of price competition is muted. And it bears emphasizing here that comparison shopping gives significant power to consumers in the marketplace and is a key driver of competition.

IV. Important Clarifications Regarding Banning Surveillance Pricing

The OAG recently worked with our partners in the state legislature, sponsors Senator Rachel May and Assemblywoman Emerita Torres, to draft and pass the One Fair Price Act (S.8616B/A.9349), to ban surveillance pricing at the state level. We believe that Intro. 891 is consistent with the One Fair Price Act and support the Council's efforts to pass this legislation.

At its core, Intro. 891, like its state counterpart, is a targeted, narrow prohibition on one harmful market behavior – surveillance pricing. That practice is at the core of our affordability crisis, and it causes harm to consumers and the marketplace by creating a "fog" of pricing that prevents consumers from comparison shopping, creates unfair situations where two individuals receive different prices for the same goods, and overall leads to higher prices in the marketplace.

As with the state's One Fair Price Act, Intro. 891 does not have any language that prohibits discounts or otherwise limits pricing decisions by companies as long as those discounts or pricing decisions are not based on personal information.

Accordingly, any discounts not based on information linkable to a specific individual are permitted, including subscription discounts; bulk discounts; holiday discounts; bundling; coupons and other discounts with preset eligibility requirements.

Intro. 891, like the state bill, even creates exceptions to the limited prohibitions to allow some discounts based on personal information in areas where those practices are long-standing, well understood by consumers, and do not raise the same concerns as other price adjustments based on personal data. See for example loyalty programs and group discounts like seniors' and veterans' discounts.

All of that said, in engaging with stakeholders in support of the state legislation, we observed two important lessons that we hope can be helpful to the City's discussion.

First, if we are not careful, the term "discount" can be hollowed out and misleading. When customers each pay a different price for a product while all being told that their unique, individualized price is a "discount" then the term discount loses its meaning and many of those customers are being misled. This is especially true if companies adjust their nominally discounted pricing based on customers' personal information.

a. Often times, variable "discounts" serve as personalized proxies for desperation or willingness to pay, and if consumers really understood how those "discounts" stacked up to their peers they would no longer perceive them as a "discount".

b. Not only do these practices allow businesses using personalized pricing to maximize the price they charge to every consumer – by cloaking themselves in the language of "discounts" they distort the ability of honest businesses to compete by providing true discounts.

Second, the vast majority of the discounts that consumers know and expect from retailers and others do not constitute surveillance pricing. In collaboration with the bill sponsors, we met with dozens of businesses and industry groups. Those meetings were instructive in helping us to understand the specific conduct that different industries were concerned might be impacted by a surveillance pricing ban. These conversations underscored that a significant number of discounts would not be impacted by the state bill, or that we could fine tune the bill to address those concerns will preserving the central goal of the legislation.

V. Conclusion

We greatly appreciate the opportunity to share our input with this Committee. I'd be happy to answer any questions at this time.

Big Corporations Protect Their Bottom Line.
We Protect New Yorkers.

The One Fair Price Package (S.8623B/A.9349B, S.8616/A.9396)
Preserves the Discounts, Coupons, and Promotions New Yorkers Count On

FACT CHECK:

The One Fair Price Package does not ban discounts.

The legislation specifically preserves "bona fide discounts" – the legitimate sales, discounts, coupons, and loyalty programs that customers expect and rely on.

The One Fair Price Package bans **surveillance pricing**, a predatory practice in which companies use New Yorkers' personal data – browsing habits, income, life circumstances, and more – to charge some unsuspecting shoppers higher prices than others for the exact same product or services.

The package **protects New Yorkers both online and in stores** by preventing price manipulation and banning electronic shelf labels.

Big companies' ability to take advantage of surveillance pricing is accelerating rapidly as advances in artificial intelligence fuel their capacity to weaponize consumers' personal data.

> *"Banning surveillance pricing would help level the playing field for small firms – and action on this issue is needed."*

– LINDSEY VIGODA, NEW YORK DIRECTOR, SMALL BUSINESS MAJORITY

Powerful corporations are spending millions of dollars nationwide to block bans on surveillance pricing. Not to protect consumers and lower prices, but to protect their ability to use shoppers' personal information to maximize profits.

To keep New York affordable, we must pass the One Fair Price Package.

77%
of New Yorkers support banning surveillance pricing

Source: https://www.politico.com/f/?id=0000019e-3719-d0fd-a3de-b75d8e5d0000&nname=new-york-playbook&nid=0000014f-1646-d88f-a1cf-5f46b7410000&nrid=f2071dd7-72be-4215-b6d9-901fc43a8ada

Don't believe the corporate deception. Big companies inaccurately claim that all the following discounts will be banned under the One Fair Price Act.

Here's the truth.

DISCOUNT	EXPLANATION	ALLOWED?
"Just for You" Personalized Savings *Individualized coupons tailored to a family's frequent purchases.*	*This is a "bona fide custom discount" based on a customer's purchase history. As customers' purchase histories are unique, it follows that their discounts will be unique.*	✓
Personalized Deals from Online Marketplaces *Discounts based on bulk or subscription purchases on an online marketplace platform (like Amazon). For example, a "Subscribe and Save" customer receives up to 15% off when purchasing five or more products.*	*This is a "bona fide discount." It does not matter who the customer is – any customer that comes to the platform and makes certain purchases would get the same discount.*	✓
"We Miss You" Win-Back Offers *Discounts or deals offered to customers who cancel their membership or haven't used a service for some time. For example, a streaming service offers returning subscribers discounted rates to re-subscribe: "We miss you, come back and get your next three months for $0.99/month."*	*This is a "bona fide custom discount" based on a customer's purchase history.* *Of course, the retailer cannot and should not be using other personal data, like a customer's financial health, browsing history, or shopping activity, to set a price.*	✓
Hotel Loyalty Personalized Rate Discounts *Specific rates or offers sent to hotel loyalty program members based on their travel history: "You've stayed with us in Midtown before, here's a 20% member rate for your next visit."*	*This is a "bona fide custom discount" based on prior purchase history. The law simply clarifies that membership in a loyalty program is not carte blanche to use the infinite number of data points available about a consumer. Instead, the terms of the loyalty program can vary based on purchase history. The prices or discounts offered to a particular consumer may also vary based on purchase history.*	✓
Browse Abandonment Offers *Discounts offered to online shoppers who place an item in their cart but do not complete the purchase: "You forgot this! Here's an extra 15% off."*	*Big companies may try to argue that this is a fair practice, but in reality, those companies are monitoring the way consumers shop online ("behavioral signals") and combining that information with other personal data they gather to offer the highest possible price.*	✗
Rewards Program Challenges *Promotions offered to customers who complete specific challenges: "Order five lattes this month and get a free bakery item!"*	*Personalized program challenges nested in loyalty programs are allowed to the extent that the rewards are based on prior purchase history.*	✓
Milestone and Life Event Offers *Discounts and promotions offered for customers' birthdays, membership anniversaries, and registry-linked savings.*	*Offers based on milestones and life events are "bona fide custom discounts."* *Registry discounts are "bona fide discounts," offered to anyone who sets up a registry and wants to purchase the items that were not otherwise purchased off of the registry.*	✓
Category Discounts *Discounts and promotions offered to seniors, veterans and military servicemembers, teachers, students, first responders, medical professionals, and more.*	*This is a "bona fide custom discount" based on a shopper's voluntary self-identification with a broadly defined category of consumers.*	✓

S.8623B / A.9349B, S.8616 / A.9396

Vote to Save New Yorkers Money.
Vote YES on the One Fair Price Package.

THE ONE FAIR PRICE PACKAGE IS AG JAMES' #1 PRIORITY

Attorney General James, AARP, and Labor are all supporting this important package that will save New Yorkers money and deliver the affordability they're demanding.

Let's set the record straight. The following discounts, coupons, and offers are **ALLOWED** under the One Fair Price Package.

DISCOUNT	WHY IT'S ALLOWED
Referral Promotions *A customer buys a product from a new haircare company and the company provides a promotional offer: "Refer two friends and you'll each get 20% off your next order."*	*This is permitted as a bona fide discount because it's available to anyone who meets the criteria.*
Hotel Offers *A guest is staying at a hotel for three nights. Because the hotel expects low occupancy on the following days, it offers the guest an additional night at half-price to encourage a longer stay.*	*This is permitted based on purchase history combined with non-personal market data.*
Travel Bundle Offers *A hotel receives information from an airline partner indicating that a loyalty member has recently booked a flight to a destination where the hotel operates. The hotel combines that information with its own customer records to offer a discounted room rate for the same travel period.*	*Travel partners like hotels can offer discounts to loyalty members. And, because this bill places no limits on marketing, a hotel can market this discount to any individual who has booked a flight to the same destination.*
Pilot/Trial Hotel Promotions *Hotels offer pilot or trial promotions to certain consumers to evaluate how effective a particular promotion is at driving business.*	*This bill does not prevent companies from doing randomized A/B testing, where different prices are offered randomly to test pricing and discount arrangements, provided the application of those discounts being tested is random and not based on personal information.*
Retention Credit/Promotion Offers *Monica contacts her cable provider to request cancellation, citing cost concerns or a competitor's offer. The agent uses internal tools to evaluate the customer's account, including service tenure or current plan, to identify available promotional credits for which Monica may be eligible. Based on that review, the agent offers temporary credit or a discounted rate to retain the customer relationship.*	*This is permitted based on purchase history. Monica can be offered any available promotional credit, including a temporary credit or discounted rate.*
College Scholarships and Financial Aid	*Scholarships and financial aid decisions will not be impeded. Financial aid decisions based on federal requirements are exempt under the bill. In addition, the bill provides a broad exemption to use personal information to inform prices and terms that are based in whole or in part on "creditworthiness" and financial need is another way to say "creditworthiness". Financial-based scholarships fall into the same category.* *If a school doesn't consider financial need, they can continue to use standard eligibility requirements that apply to everyone.*

These are the discounts that we have already established are permitted under the One Fair Price Package.

"Just for You" Personalized Savings

Hotel Loyalty Personalized Rate Discounts

Personalized Deals from Online Marketplaces

Rewards Program Challenges

"We Miss You" Win-Back Offers

Milestone and Life Event Offers

Personalized Promotions on Third-Party Food Delivery Apps

Category Discounts like senior or military discounts

The truth is, some so-called discounts are not actually discounts. For example:

Pricing Based on Surveillance Data

Kate is searching the internet for a tent. She compares brands but hasn't yet decided which to buy. A retailer wishes to send her a coupon for the tent.

This practice allows companies to monitor your search history and use your personal data to determine how to price the product you're interested in buying. Industry claims they want to give you a "discount" but why do they need your personal browsing data to offer you this discount?

Pricing Based on Personal Data

Retailers use browsing behavior, brand engagement, cart activity, and product interaction data to price products.

This is exactly the definition of surveillance pricing. Industry says they only use your personal information to offer you a "discounts." But they could just as easily use this information to find out how much you're willing to pay for a product.

The term "uniform" is applied based on the category of the discount.

EXAMPLE 1

Discount based on purchase history.

Everyone has a unique purchase history, so a store can offer you custom discounts based on that unique purchase history.

This can include items you've previously purchased, new different brands of products you've previously purchased, or even items that compliment products you usually purchase.

EXAMPLE 2

Discount based on consumer category.

Group discounts like senior discounts are perfectly acceptable as long as they are offered to all customers who have identified as seniors.

The same goes for loyalty club member discounts, new customer discounts, etc.

Testimony of the Manhattan Chamber of Commerce
Before the New York City Council Committee on Consumer and Worker Protection
Hearing on Int. No. 891 (Surveillance Pricing) and Int. No. 892 (Frequency of Grocery Price Increases)
June 17, 2026

Submitted by Jessica Walker, President & CEO, Manhattan Chamber of Commerce

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Chair Epstein and members of the Committee, thank you for the opportunity to testify. The Manhattan Chamber of Commerce represents roughly 125,000 businesses across the borough — most of them small, independent, and operating on margins that leave no room for error. Our lens is the storefront: the businesses that sign a lease, hire from the neighborhood, and live or die on the trust of the people who walk through the door.

We want to be clear about where we sit. The businesses we represent are not the companies running surveillance or dynamic pricing. They are small enough to compete on service and relationships, and many are on the receiving end of pricing set by data-rich competitors. We take the concern behind these bills seriously, and we are not here to defend bad actors. But we cannot support Int. 891, and we have serious concerns with Int. 892 — not because the goals are wrong, but because of what these particular bills would do to the businesses expected to comply with them.

The State Has Already Acted

The single most important fact for this Committee to weigh is one that postdates the introduction of these bills. This month, the State Legislature passed the One Fair Price Act, which bans surveillance pricing statewide and now awaits the Governor's signature. It amends the General Business Law, it is enforced by the Attorney General, and — critically for the businesses we represent — it expressly preserves the ordinary tools of commerce: loyalty programs, coupons, subscribe-and-save offers, and standard discounts for groups like seniors and veterans.

In other words, the protection these bills seek is, as of this month, on its way to becoming state law, with the very carve-outs small businesses need already written into it. That fact should be decisive in how the city proceeds.

Int. No. 891 — Surveillance Pricing: We Cannot Support a Duplicative City Bill

Let us be clear about the underlying practice. Charging two customers different prices for the same item, based on data quietly gathered about who they are, is a tool of scale — of platforms and data-rich players, not of the corner store. It is a real harm, and we are glad it is being banned.

That is precisely why we cannot support Int. 891. The State has now prohibited surveillance pricing statewide, with AG enforcement and with the loyalty, coupon, and group-discount carve-outs small businesses depend on already built in. A second, parallel city law does not add protection for the public. It adds burden for the businesses we represent.

Three problems follow directly from duplication:

First, two standards. A city ordinance with even slightly different definitions or exemptions than the General Business Law creates a compliance trap. The small merchant trying in good faith to follow both is the one who gets caught in the gap between them.

Second, two enforcers. Layering a Department of Consumer and Worker Protection penalty regime on top of Attorney General enforcement means a business can be pursued twice for a single act. DCWP itself testified that this enforcement would require new investigative resources — public money spent to duplicate a protection the State already provides.

Third, added litigation exposure. The State deliberately omitted a private right of action. Were the city to go further than the State and add one, the threat to a small business would not be the penalty schedule in the bill; it would be the cost of defending a lawsuit, meritorious or not, which can be ruinous on its own.

For these reasons, we cannot support Int. 891 and urge the Committee not to advance it. Should the Council proceed despite these concerns, it should at minimum mirror the One Fair Price Act exactly and confine the city's role to local education and complaint intake rather than a second enforcement regime — but that would mitigate the harm of duplication, not cure it.

Int. No. 892 — Frequency of Grocery Price Increases: Share the Concern, Reconsider the Mechanism

Int. 892 reaches for a real and sympathetic concern — anxiety about opaque, rapid price swings, and about electronic shelf labels that can change a number while a shopper stands in the aisle. That anxiety is legitimate and deserves a serious response. But "no increase more than once in a 24-hour period," applied to every retail food store under the Agriculture and Markets definition, is the wrong instrument.

It sweeps in the bodega, the deli, and the corner grocery — the operators with the thinnest margins and the least pricing infrastructure — right alongside the chains the bill appears aimed at. It catches legitimate same-day increases that no one would call gouging: reversing the end of a one-day sale, correcting a pricing error, or passing through a documented intraday cost change on perishables. And the proof and recordkeeping burden falls entirely on the merchant, hardest on the smallest stores.

It is also a blunt proxy for the harm it is chasing. Data-driven, individualized pricing — the real concern animating this hearing — is precisely what the One Fair Price Act now addresses statewide. A frequency cap reaches that harm only glancingly, while creating new exposure for ordinary practices.

On electronic shelf labels specifically: the answer is transparency, not prohibition. Used honestly, digital tags help a small grocer keep prices accurate and cut labor costs. The abuse worth policing is data-driven or surge pricing on essentials — not the existence of the tool.

We respectfully urge the Committee not to advance Int. 892 as drafted, and offer a constructive path:

1. **Let the state framework do its work.** The surveillance-pricing harm is being addressed in Albany; coordinate with it rather than duplicate it.
2. **Carve out the obvious.** If the bill proceeds, plainly exempt promotional reversions, error corrections, and documented cost pass-throughs.
3. **Protect the smallest stores.** Exempt or phase in small independent grocers and bodegas, and lead with education rather than penalties, consistent with the cure approach the Code already applies elsewhere in this very subchapter.

In Closing

The Manhattan Chamber of Commerce takes the concern behind both bills seriously, but cannot support either as drafted. On Int. 891, the State has already banned surveillance pricing; a duplicative city law would leave small businesses answering to two standards and two enforcers without adding protection for the public. On Int. 892, we urge the Committee to reconsider the mechanism and let the state's surveillance-pricing framework carry the load it was built for.

We are glad to be a resource as this work continues, including sharing what we see on the ground through our storefront tracking and our ongoing work on enforcement fairness. Thank you for your time and for your attention to the businesses that make this borough's commercial life possible.

Staten Island Chamber of Commerce

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June 17, 2026

Testimony by Linda M. Baran, President & CEO of the Staten Island Chamber of Commerce

Committee on Consumer and Worker Protection

Re: Int 891 — Surveillance Pricing

The Staten Island Chamber of Commerce represents nearly 700 businesses across Staten Island, the overwhelming majority of which are small and family-owned enterprises. While we appreciate the Council's efforts to address concerns regarding the use of consumer data in pricing decisions, we are concerned that Int. 891 would unintentionally restrict legitimate and beneficial marketing tools that small businesses, that form the backbone of Staten Island's economy, rely on to attract and retain customers, especially in today's digital age.

Our members are operating in an extraordinarily challenging environment. Rising labor costs, inflation, insurance premiums, rent increases, and changing consumer habits continue to put pressure on local businesses. In response, many businesses have become more strategic in how they market to and communicate with customers.

One of the ways small businesses compete is through targeted promotions and discounts. Unlike large national brands that can blanket entire markets with advertising campaigns, small businesses often rely on more focused outreach to encourage a first visit, bring back a customer who has not visited recently, or introduce a new product or service. These promotions help businesses build relationships with customers while also helping consumers save money.

We are concerned that the bill's definition of "surveillance pricing" may sweep in these types of personalized discounts and promotions, even though they lower prices for consumers rather than raise them. In our view, there is an important distinction between using information to charge someone more and using information to offer them a discount.

The bill's current exceptions for discounts may not provide sufficient certainty for businesses, particularly small businesses that do not have in-house teams to interpret complex compliance requirements. Requirements related to disclosure of eligibility criteria, combined with uncertainty about what types of promotions are allowed, could lead some businesses to conclude that personalized discounts are simply not worth the risk.

The New York State Legislature has already acted on this issue by advancing legislation addressing surveillance pricing practices. Given the statewide nature of commerce, consumer protection, and digital

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marketing, a consistent regulatory framework is preferable to a patchwork of overlapping requirements that may differ from one jurisdiction to another. Moving forward with a separate City law while the State is already considering regulating this area creates the potential for confusion, duplicative compliance obligations, and unintended burdens on businesses.

For these reasons, and because Int. 891 as currently drafted would unnecessarily restrict legitimate discounts and promotional offers that benefit both consumers and local businesses, the Staten Island Chamber of Commerce opposes this legislation and urges the Council either to defer action pending implementation of the State framework or to substantially amend the bill to address these concerns.

Thank you for considering our perspective.

AARP New York

Testimony before the

Committee on Consumer and Worker Protection

June 17, 2026

Good afternoon. I'm Kristen McManus, the Director of Government Affairs and Advocacy for AARP New York. AARP is a social mission organization with 750,000 members in the city, and we advocate on behalf of all New Yorkers age 50 and older. Thank you for the opportunity to comment on Int 0891-2026 to prohibit surveillance pricing. This bill is an important affordability, data privacy and consumer protection measure.

Surveillance pricing is an emerging practice in which retailers use data collected on individual consumers to set personalized prices, often seeking to charge the most a consumer is willing to pay for a specific good or service. Because surveillance pricing often happens online, it presents unique challenges to those who are more likely to rely on online shopping, such as those with mobility issues or those who lack access to reliable transportation.

Surveillance pricing erodes price transparency and limits consumers' ability to make informed purchasing decisions. When prices are personalized and undisclosed, consumers cannot reliably compare prices or determine whether they are being charged fairly. As a result, individuals may pay substantially more than others for the same product or service.

This legislation strengthens consumer protections in New York City by restricting the use of personal data for individualized or algorithmic pricing. It also enhances accountability by strengthening penalties while providing a clear list of exceptions to ensure reasonable business flexibility. By promoting transparency, limiting data misuse, and strengthening enforcement, the bill supports a fairer and more transparent marketplace and helps ensure consumers—particularly older adults—are better protected from unfair pricing practices.

I also want to be clear about the impacts of this bill. The legislative language preserves the ability of retailers to offer a wide array of genuine discounts. Membership and rewards programs, coupons based on frequent purchases, bulk purchase discounts, and discounts offered to certain populations like seniors, veterans, and teachers are allowed. The bill specifically targets pricing practices based on a consumer’s data, such as shopping or browsing history.

This bill will ensure that consumers get a fair price when shopping, and preserves the ability of consumers to comparison shop to find the best deal, secure in knowing that the price they see is the price that is offered to other consumers. Given rising concerns over cost of living, the City Council should enact this bill to ensure consumers are not being unfairly targeted for higher prices based on data collected on them.

I thank you again for the opportunity to testify and I welcome your questions.

AMERICAN ECONOMIC LIBERTIES PROJECT

June 19, 2026

Chairperson Harvey D. Epstein
Committee on Consumer and Worker Protection
New York City Council
250 Broadway, New York, NY10007

Dear Chair Epstein and Committee Members,

On behalf of the American Economic Liberties Project, we hereby submit this written comment addressing Int. No's 891 (Menin) and 892 (Abreu), both of which were heard at the June 17, 2026 Meeting of the Committee on Consumer and Worker Protection. We applaud the bill sponsors and the Committee for taking up these critical consumer protections and recommend further revision to ensure maximum deterrence of conduct that is driving higher prices for New York City residents.

In February 2025, AELP co-authored a report on surveillance pricing and have since been involved with dozens of efforts across the country and in Congress to stem the practice.[1] Those efforts have been bolstered by broader public recognition – and outrage – at the practice. In a recent poll, we found that 78% percent of respondents support policies that would prohibit companies from using surveillance data to determine what consumers pay or what workers earn, consistent across Democrats, Republicans and independents.[2]

Int's 891 and 892 tackle related but distinct problems: surveillance pricing and hyper-dynamic pricing. Both are part of a trend whereby corporations seek to maximize profits by eroding consumer price sensitivity, exploiting personal information to target consumers with discriminatory prices, and abandon the pro-competitive effects of standardized pricing. The erosion of fair pricing is among the leading consumer protection concerns of our time, fueling compounding crises of unaffordability, inequality and economic division.

The below recommendations are intended to build on the principled foundations of each bill, and we are available to discuss them in further detail.

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[1] "Prohibiting Surveillance Prices and Wages," American Economic Liberties Project (Feb. 20, 2025), https://www.economicliberties.us/our-work/prohibiting-surveillance-prices-and-wages/.

[2] "New Poll: Voters Overwhelmingly Support Banning Surveillance-Based Pricing and Wages," American Economic Liberties Project (Apr. 21, 2026), https://www.economicliberties.us/press-release/new-poll-colorado-voters-overwhelmingly-support-banning-surveillance-based-pricing-and-wages/.

Int. No. 891-26 (Menin)

Int. No. 891 would amend the administrative code of the City of New York to ban surveillance pricing. Specifically, the bill would:

- Prohibit different prices targeting individual consumers of consumer segments based on personal data collected through surveillance technology, including third party personal data;
- Broadly define personal data to include any data that could reasonably be linked with a specific consumer, device or household;
- Exempt insurance and credit products;
- Exempt differential pricing based on the costs associated with providing a good or service to different consumers;
- Exempt standard discounts that are uniformly available to all consumers who meet publicly disclosed eligibility criteria;
- Exempt discounts for broadly defined groups, like student, teacher, senior, or active service discounts;
- Exempt discounts for low-income consumers; and
- Subject violations to civil penalties.

We respectfully suggest that Int. No. 891 be further amended as follows:

- Add further definition to, or remove, the broad exemption for "low-income" surveillance pricing, which risks creating an unwieldy loophole and is sufficiently captured by the existing exemption for discounts that are publicly disclosed;
- Restrict third party platforms from restricting, influencing, coercing, or setting the prices of independent businesses who use their platform;
- Remove the additional burden on a plaintiff to show that personal data was "collected through surveillance technology," which is otherwise immaterial to the prohibition against surveillance pricing; and
- Clarify that the law is enforceable through a private right of action, which provides a meaningful threat of enforcement to effectively deter violations.

With regard to comments made by speakers at the Committee hearing, we would further urge the Committee and Council to avoid making any further exemptions for "personalized" discounts, which is a proxy for the same surveillance pricing discrimination that the law otherwise seeks to prohibit.

Int. No. 892-26 (Abreu)

Int. No. 892 would amend the administrative code of the City of New York to prohibit a "retail food store," as defined in Section 500-A of the Agriculture & Markets Code,[3] from increasing the price of any item more than once in a 24-hour period. The bill would effectively prohibit those stores from engaging in hyper-dynamic or "surge" pricing, irrespective of the input data informing changes in price. Crucially, the bill would not prevent grocery stores from lowering prices, including on perishable items at the end of the day.

Int. No. 892 risks targeting independent grocers, who largely do not engage in the practice of hyper-dynamic pricing, while failing to address the conduct of online food delivery platforms where hyper-dynamic pricing, surveillance pricing or unpredictable differential pricing is most observable. At a minimum, we recommend that the bill be amended to apply to online food delivery platforms.

We also respectfully encourage the Council to curry favor with independent grocers, who are potential allies in efforts to regulate the anticompetitive and unfair conduct of online food delivery platforms and large chain store grocers. Independent grocers themselves are often harmed by price discrimination induced by large grocers and imposed by upstream wholesalers. They may also face unfair and anticompetitive coercion by online platforms that restrict the ability of independent grocers to determine their own prices and communicate them to consumers.

Sincerely,

Lee Hepner
Senior Legal Counsel
American Economic Liberties Project

[3] N.Y. Agric. & Mkts. Law § 500-a.

June 17, 2026

Committee on Consumer and Worker Protection
New York City Council
New York City Hall
City Hall Park, New York, NY 10007

Re: Int 0891-2026 Surveillance Pricing

Dear Committee Members:

On behalf of the American Hotel & Lodging Association (AHLA), thank you for the opportunity to provide comment on Int 0891-2026, which would prohibit business entities from using consumers' personal data to set prices for merchandise or services.

The hotel industry shares the commitment to fair and transparent pricing practices across the entire lodging sector. As the national trade organization for America's hotels, we support the goals of the legislation to prohibit price increases to consumers based on the use of personal information and consumer data. We are not aware of hotels engaging in the practice of raising prices for consumers based on their personal data.

While we appreciate the intent of Int 0891-2026 to preserve loyalty programs and promotional discounts, because the bill focuses on all pricing programs and is not just limited to price increases, the current language may be interpreted too narrowly to unintentionally affect popular, consumer-friendly programs.

Hotels use certain consumer information in limited ways that benefit travelers, particularly through loyalty programs and promotional offers. The programs allow hotels to provide individualized discounts, member rates, reward points, and other benefits to consumers who choose to participate. These offers are designed to provide savings and added value to customers, not increase prices.

As currently drafted, the bill prohibits tailored or customized discounts unless they are made universally available to every loyalty program member. The hotel industry does offer many discounts that are universally available. These offers may be based on factors such as stay history, purchase history, milestones like birthdays or anniversaries, lapsed engagement, or opportunities to extend an existing stay. Hotels may also provide offers to specific member tiers or groups, and often pilot or do trial promotions with a limited subset of consumers to evaluate how effective they are at driving business.

Example 1: A guest is staying at a hotel for 3 nights. Because the hotel expects low occupancy on the following days, it offers the guest an additional 1 or 2 nights at half price to encourage a longer stay.

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AHLA
AMERICAN HOTEL & LODGING ASSOCIATION

Example 2: A hotel notices that a returning guest has stayed several times over the past year and has a birthday coming up. Based on that guest's stay history, the hotel sends a personalized offer such as 20% off a birthday weekend stay or a special anniversary rate.

Example 3: A new loyalty program member signs up but does not book a stay or engage with the program in the first three months. To re-engage them, the hotel sends a targeted offer, such as 15% off their first booking.

Example 4: A hotel identifies past guests who live within driving distance and sends them a special offer for a return stay, recognizing that higher airfares may be discouraging longer-distance travel. The promotion is designed to appeal to nearby travelers who can reach the property without flying.

Example 5: A hotel offers a discount to a long-time guest that has booked the same hotel for the Macy's Day Parade very year.

AHLA welcomes the opportunity to work with the bill Sponsor and the Committee to ensure the bill achieves its intended goals of pricing transparency and consumer protection, while preserving the ability for hotel guests to benefit from loyalty and promotional programs. We hope to address outstanding concerns together, while finding a solution to the policy needs presented in the legislation.

If you have any questions, please do not hesitate to contact me at sbratko@ahla.com.

Sincerely,

Sarah R. Bratko
Vice President & Policy Counsel
American Hotel & Lodging Association

BRONX CHAMBER OF COMMERCE

Chair Harvey Epstein, and members of the Consumer and Worker Protection Committee:

My name is Lisa Sorin, and I am the President of the Bronx Chamber of Commerce. The Bronx Chamber is dedicated to supporting and advocating for local businesses across the borough, especially New York's smallest businesses. Thank you to the Council for your continuous engagement and collaboration with the small business community on issues that impact affordability, stability, and economic growth.

In preparing this testimony, I spoke directly with small business owners in the Bronx to better understand how Intro. 891, which would prohibit businesses from engaging in surveillance pricing, and Intro. 892, which would prohibit grocery stores from increasing the price of any item more than once within a 24-hour period, could affect their day-to-day operations. These conversations are particularly important because many small businesses do not have the time, staff capacity, or resources to monitor legislation, propose regulations, or travel to City Hall to testify before the Council. They rely on organizations like the Bronx Chamber to express their concerns and ensure that their perspectives are included in policy discussions that impact their businesses.

While many businesses support efforts to improve transparency and consumer protections, the concern I heard the most was how these two bills, if enacted, would affect discounts, rewards programs, and customer loyalty initiatives. Although the language in the legislation excludes loyalty and discount programs, business owners have expressed concern over the language that requires discounts to be offered "uniformly" to all consumers, stating that this is open to various interpretations.

For many small businesses, discount, loyalty, and rewards programs are essential tools for customer retention, encouraging repeat business, and staying competitive in an increasingly challenging economic environment. These programs are often tiered, rewarding the most loyal customers with greater discounts and thereby incentivizing continued engagement and higher spending.

However, if such discounts were required to be offered “uniformly” to all customers, regardless of loyalty or purchasing behavior, this practice could effectively become unworkable or prohibited under certain interpretations of the law. That would undermine a widely used business model and could negatively affect both large and small businesses, and ultimately consumers, by reducing flexibility in how businesses structure pricing and rewards.

Therefore, the Chamber seeks to work collaboratively with legislators to amend the bill to ensure that loyalty and rewards programs of all kinds remain intact. This would provide businesses with clear guidance to confidently comply with the law, help avoid implementation and compliance challenges, and allow them to continue offering these programs to their customers.

Thank you for the opportunity to testify and for your ongoing commitment to supporting consumers and small businesses across New York City.

DOORDASH

June 18, 2026

Chair Harvey Epstein
Committee on Consumer and Worker Protection
New York City Council
250 Broadway
New York, NY 10007

RE: Testimony in Opposition to Int 891 as Currently Drafted

Dear Chair Epstein:

On behalf of DoorDash, I am writing to provide testimony on Int 891-2026. We share the Council's concern about opaque pricing practices that exploit individual consumers, and we support action to ban true surveillance pricing – that is, pricing that uses data about an individual's personal traits, like who they are, their race or gender, or their salary, to increase prices offered to them.

We are, however, concerned that this bill goes further than that and would harm New Yorkers by reducing the availability of discounts on their everyday purchases.

The problem is that rather than focus on practices that actually harm consumers – by increasing the prices they pay – the bill defines "surveillance pricing" broadly, explicitly including discounts in the definition. And the exceptions included in the bill to allow for certain personalized discounts and promotions do not go far enough to ensure that businesses and consumers alike will actually be able to benefit from these practices.

DoorDash regularly offers targeted discounts and promotions that help businesses connect with potential new regulars, and help customers get a better deal on their daily essentials. For example, we may work with a local restaurant to target nearby customers who, based on their past order history, are likely to be interested in the restaurant's cuisine. Or we might offer a discount off our fees for a customer who hasn't ordered in a while. These practices save consumers money, help local businesses find new loyal customers, and are among the tools that make delivery services work for New Yorkers on tight budgets.

To be clear, Int 891 does provide some carveouts for discount practices. Unfortunately, as written, those exceptions don't go far enough. First, the bill requires businesses offering personalized discounts to disclose eligibility criteria "clearly and prominently in a manner that an ordinary consumer would notice and understand." This is a vague standard that, in practice, would arguably compel businesses to publicly disclose proprietary and competitively sensitive information about how their promotions work. Faced with that compliance burden and legal uncertainty, many businesses might simply stop offering personalized discounts rather than risk liability.

Second, aside from discounts specifically targeted to certain broadly-defined groups (like students, veterans, and low-income residents), the bill's carveouts appear to limit qualifying discounts to those offered to customers enrolled in a loyalty or rewards program, or as part of a promotional event. It is not clear that those exceptions would permit a business to offer a discount to a customer simply because they haven't ordered recently, or to a new customer based on their shopping behavior – the exact types of everyday promotions that drive consumer savings.

New Yorkers appear to agree that these practices should be protected. A recent poll conducted by Morning Consult found that 70 percent of New Yorkers oppose banning personalized offerings like loyalty programs and coupons that rely on algorithms.[1] That opposition holds across specific practices: 73 percent oppose banning loyalty rewards, 70 percent oppose banning personalized digital coupons based on past purchases, and 67 percent oppose banning win-back and new-customer offers. And 56 percent say banning targeted discounts would fall hardest on people on tight budgets.

We urge the Council to narrow this legislation to focus on individualized price increases, explicitly carve out discounts and promotional offers from its scope, and replace the current disclosure standard with one that gives businesses reasonable flexibility on format and placement. These changes would preserve the bill's primary purpose of prohibiting exploitative, individualized pricing practices, while protecting the promotional pricing tools that expand affordability and access for New York consumers. We welcome further engagement with the Council and committee staff on specific language.

Sincerely,

Katherine Rodriguez

Katherine Rodriguez
Head of East Public Policy
DoorDash

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[1] Chamber of Progress, *New Yorkers Reject Algorithmic Pricing Bans That Would Wipe Out Everyday Discounts*, Morning Consult (Apr. 2026), https://progresschamber.org/research/chamber-of-progress-poll-new-poll-new-yorkers-reject-alogrithmic-pricing-bans-that-would-wipe-out-everyday-discounts/.

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June 17, 2026

New York City Council
Committee on Consumer and Worker Protection

Dear Chair Epstein and Members of the Committee,

Thank you for the opportunity to testify today in support of Int. No. 891, which will protect New Yorkers from the unfair and predatory business tactic of surveillance pricing. EPIC writes to convey a simple message: The exploitation of New Yorkers' personal information to set prices is unfair and should be banned.

EPIC is an independent nonprofit that was established in 1994 to secure the right to privacy in the digital age for all people.[1] We believe privacy is a fundamental human right. In my testimony, I will discuss how our lack of privacy protections has allowed data brokers to exploit our most sensitive information, which is now being fed directly into surveillance pricing algorithms. I'll also make two suggestions to strengthen Int. No. 891 and ensure it is enforceable.

Surveillance pricing is unfair to consumers.

Int. No. 891 bans surveillance pricing, a practice in which companies use troves of consumers' personal data to determine how much each individual is willing to pay for a good or service. Through surveillance pricing, companies can charge each customer a different amount for the exact same product. While retailers have always sought to charge the highest prices consumers will pay, surveillance pricing allows them to do so on an individual-by-individual basis.

Consumers rightfully expect to pay the same amount as their neighbors for the same product. They expect price variations to stem from market changes such as increased supply costs and shortages or surpluses. But today, retailers have access to enormous amounts of data on their customers, some of which they collect firsthand, and some of which they purchase from data brokers.[2] Data brokers gather information about us from every corner of our lives, from what route we took to work this morning to which ads we lingered on while scrolling.

Data brokers use that information to create individualized profiles of each of us, using hyper-specific and often disturbingly intimate identifiers to indicate our financial status, interests, politics, personalities, and more.[3] Consumers are categorized as expectant mothers, retirees struggling financially, Buddhists with symptoms of depression, or tattooed introverts interested in weight loss, to name a few. The data brokers then sell those profiles to virtually anyone looking to buy.

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[1] EPIC, *About Us*, https://epic.org/about/.

[2] FTC, FTC Surveillance Pricing 6(b) Study: Research Summaries, A Staff Perspective 5 (2025), https://www.ftc.gov/system/files/ftc_gov/pdf/p246202_surveillancepricing6bstudy_researchsummaries_redacted.pdf.

[3] Jon Keegan & Joel Eastwood, *From "Heavy Purchasers" of Pregnancy Tests to the Depression-Prone: We Found 650,000 Ways Advertisers Label You*, The Markup (June 8, 2023), https://themarkup.org/privacy/2023/06/08/from-heavy-purchasers-of-pregnancy-tests-to-the-depression-prone-we-found-650000-ways-advertisers-label-you.

Companies engaged in surveillance pricing purchase these detailed consumer profiles and feed them to an algorithm that can make real-time price adjustments in both brick-and-mortar stores and online. For example, an investigation into Instacart found that the platform conducted secret surveillance pricing experiments in grocery stores, varying the cost of goods by just tens of cents. These changes were difficult for consumers to detect but would have resulted in an average household's annual grocery bills increasing by $1,200.[4]

Surveillance pricing is inherently unfair, and EPIC commends the important steps Int. No. 891 takes to protect New Yorkers from this harmful practice. We do recommend that the Council further clarify the bill in a few key ways to ensure the strongest protections for New Yorkers.

The Council should remove the term "surveillance technology" to simplify enforcement.

EPIC recommends striking the phrase "collected through surveillance technology" from both places it appears in the bill's definition of surveillance pricing. The bill is effective and sufficiently clear without this language that modifies the term "personal data," and its removal eliminates the subsequent need to define "surveillance technology." Making this change will also simplify enforcement by removing the burden of identifying surveillance technology.

> Surveillance pricing. The term "surveillance pricing" means setting a price, fee, or discount for a good or service for a specific consumer or group of consumers that differs from the price, fee, or discount made available to other consumers for the same good or service based, in whole or in part, on personal data ~~collected through surveillance technology~~, including personal data ~~collected through surveillance technology~~ that is gathered, purchased, or otherwise acquired from a third party.

To ensure consumers can enforce their rights, the Council should add a private right of action.

EPIC recommends that the Council add a private right of action to Int. No. 891 to allow New Yorkers who have been harmed by surveillance pricing to ask a court to stop the practice and seek redress. These cases also help preserve the City's resources and serve as a strong deterrent against engaging in surveillance pricing in the first place. We strongly encourage the Council to add a private right of action to Int. No. 891.

* * *

EPIC urges the Committee to advance these bills to protect New Yorkers from the unfair practice of surveillance pricing. EPIC is happy to be a resource to the Committee as it continues to navigate this complex topic.

Sincerely,

/s/ Mayu Tobin-Miyaji	/s/ Caroline Anders
Mayu Tobin-Miyaji	Caroline Anders
EPIC Law Fellow	EPIC Policy and Communications Fellow

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[4] Derek Kravitz, *Instacart's AI-Enabled Pricing Experiments May Be Inflating Your Grocery Bill, CR and Groundwork Collaborative Investigation Finds*, Consumer Reports (Dec. 9, 2025), https://www.consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-a1142182490/.

Advocates of the
Food Industry
Since 1900
FIA
FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.
111 Washington Avenue - Suite 200, Albany, NY 12210 (518) 434-1900

New York City Council Committee on Consumer and Worker Protection Hearing

Int. 891 & Int. 892

The Food Industry Alliance of New York State (FIA) is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout the state. Our membership includes the broad spectrum of the New York City retail food sector, from independent neighborhood grocers to large chains, including many unionized stores.

We appreciate the opportunity to submit this testimony to Chair Epstein and members of the Committee expressing our concerns and opposition to the bills being heard at today's hearing.

With respect to Int. 891 (Menin), which relates to prohibiting surveillance pricing, first and foremost, it should be noted that legislation (S.8623b/A.9349b) was just passed on June 6th by the State Senate and Assembly addressing the issue of surveillance pricing. While the Governor has yet to act on this legislation, it is incredibly relevant to the bill before this committee. It is our position that localities should pause on pursuing local legislation until the statewide process is complete.

FIA was, and continues to be, heavily engaged on these state efforts, and our concerns with that legislation are very similar to the bill being discussed today.

First and foremost, FIA shares the concern that personal data should not be used to increase costs on consumers. That said, the retail food industry is concerned that the language contained with this bill will restrict personalized offers, discounts and loyalty programs which are currently offered to consumers.

Specifically, while this legislation attempts to exempt the various promotional programs offered by retailers, the construct of the bill makes the continuation of that practice incredibly complicated and in many cases, will lead to retailers discontinuing personalized offers. Consider the following:

- The legislation requires discounts to be offered uniformly to any consumer meeting the required disclosed eligibility requirements.
- The legislation requires disclosure requirements related to discounts and pricing practices, but does not include clarity for retailers to determine whether their current promotional programs satisfy the bill's requirements.
- The legislation sets in statute the definition of a "personalized discount," which not only impacts the programs of today, but those that could be implemented in the future. This would outright ban pro-competitive discounting and ignore future changes in consumer behavior and retailers' ability to adapt to meet evolving consumer needs.
- There are additional concerns with the requirement that the "difference in price, fee, or discount is made available to low-income consumers." The bill is not only absent on how any retailer would

determine a "low-income consumer", but it is unclear how this provision interacts with the definition of "personal data" as stated in the bill.

- The bill also seemingly treats a discount and a surcharge as the same offense, banning a retailer from not only using a consumer's data to increase costs, but more importantly, from using it to charge less.

Recently, other states have taken action to address concerns about increased costs for consumers based on personal data, but none have enacted a bill which narrowly allows for discounts. The simplest and most effective way to preserve loyalty programs while addressing consumer data concerns is to simply ban surveillance pricing to increase costs to consumers.

It should also be noted that last week, Governor Polis of Colorado vetoed a similar bill with concerns that the legislation would "punish differentially lower prices, not just higher prices" and cited apprehension with the state taking the extraordinary step of "defining in statute legally acceptable consumer discounts."

The retail food industry is an incredibly complex and competitive market, which is heavily reliant on customer service and transparency, with loyalty and discount programs serving as a critical foundation. New York City consumers save hundreds of millions of dollars via discounts and as participants in loyalty programs. Enacting this bill, with the state currently weighing a similar bill, will create an incredibly difficult and inefficient network of regulations for retailers. Further, moving this legislation lacking essential clarity, with conflicting definitions, with substantial compliance risks for our industry, is irresponsible when the goal of the bill is rightfully focused on affordability for consumers.

With respect to Int. 892, which relates to restricting the frequency of price increases in grocery stores, we have concerns that the language does not provide for an exception for any supply chain disruptions, weather-related conditions, or other "acts of God", all of which are out of a retail food store's control and can impact, in real-time, the cost of any product sold. New York currently has significant price gouging regulations and within those rules, have acknowledgements and considerations of outside factors that can impact pricing. We believe that this legislation should also make those considerations.

The Food Industry Alliance of New York State, Inc. is a committed stakeholder and willing partner to discuss both bills under consideration further.

Respectfully submitted,

Michael Durant
President/CEO
Food Industry of NYS, Inc.

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Written Testimony Re: Prohibiting Surveillance Pricing
Submitted to: New York City Council Committee on Consumer and Worker Protection
Hearing on Int. No. 891-2026
Submitted by Frankie Miranda, President and CEO, Hispanic Federation

June 18, 2026

Hispanic Federation (HF) submits this testimony in support of Int. No. 891-2026, with targeted amendments. Founded in 1990, Hispanic Federation (HF) is one of the nation's premier Latino nonprofit membership organizations, supporting Hispanic families and strengthening Latino institutions through a network of community-based partners across New York and beyond. HF's testimony is also informed by the insights of our more than 100 New York City-based member agencies, all committed to improving outcomes and shared opportunities for Latinos across the City of New York. We thank New York City Council Speaker Menin and the Committee for advancing this bill. Int. No. 891-2026 takes on a real and growing challenge, and we urge the Council to pass it with considerations to two narrow clarifications described below.

Surveillance pricing falls hardest on the communities we serve

Data-driven personalized pricing lets companies charge different people different prices for the same product based on what their personal data reveals about them such as their location, income, browsing history, or buying patterns. This practice falls hardest on Latino, low-income, and vulnerable consumers. Every consumer has a right to transparent and equitable pricing — free from manipulative algorithmic surveillance. The price on the shelf should be the same price, regardless of your race, ZIP code, income, or your buying patterns. That same principle should guide the City's action here. This position is consistent with our public support for the New York State companion measure, the One Fair Price Act.

The bill already protects the discounts our families rely on

As written, Int. No. 891-2026 expressly preserves:

- Price differences based solely on the actual cost of providing a good or service;
- Loyalty, rewards, and membership programs, mailing-list and promotional sign-ups, and promotional events that are openly disclosed and that any consumer can join;
- Discounts for broadly defined groups, such as students, seniors, teachers, and active-duty and retired military; and
- Discounts for low-income consumers.

These are exactly the savings opportunities that matter most to the families we serve, and the bill keeps them legal.

Two narrow clarifications would make this good bill stronger

Our support comes with a request for two focused amendments aimed at language clarity, not at weakening the bill:

1. Make the discount protections definite. To prevent businesses from over-complying and quietly withdrawing legitimate discounts out of caution, we ask the NYC Council to state plainly that commonly offered, anyone-can-be eligible for discounts, loyalty and rewards programs, and discounts offered to attract new or retain existing customers, and discounts for low-income consumers, students, seniors, teachers, and military remain fully permitted.

2. Clarify common returning-customer and milestone offers. Some familiar, price-reducing promotions such as a "we miss you" offer to a returning shopper, or a birthday discount may not clearly fit the bill's current categories, even though they lower prices and are widely expected. We ask the City Council to clarify how these good-faith offers are treated, so businesses can continue providing them with confidence.

Hispanic Federation supports Int. No. 891-2026 and respectfully asks the Council's consideration to adopt the two narrow clarifications above. Together, they deliver what New Yorkers deserve: honest, transparent prices, and the everyday savings that help working families get by. We thank the Committee for its leadership and stand ready to serve as a resource as this legislation moves forward.

HANYC Committee on Consumer and Worker Protection Testimony
June 17, 2026

Thank you for holding this hearing today. I am Vijay Dandapani, President and CEO of the Hotel Association of New York City, also known as HANYC. We are here to testify about Int. 891-2026, which bans the use of surveillance pricing. While we respect the Council's desire to protect consumers from predatory practices, this bill inadvertently prevents consumers from benefiting from major perks provided by hotels.

The primary issue is that the exemptions are contingent upon being "uniformly made available to all consumers." This effectively makes rewards programs illegal. Benefits for rewards program members increase as those members show greater loyalty to a particular brand. By their very nature, rewards programs are not "uniformly made available."

As currently written, consumers would be unable to accrue or use rewards program benefits in New York City. The results of this would be catastrophic for the hotel industry. Many travelers will avoid traveling to our city if they cannot use their rewards program benefits.

Aside from rewards programs, the "uniformly made available" provision also prevents consumers from benefiting from personalized discounts. These types of discounts require knowing a customer's voluntarily provided personal information. For instance, hotels often provide guests with discounts for special occasions, such as birthdays. Since not every guest shares the same birthday, this type of discount would be illegal.

Another issue with the bill's language is that it bans surveillance pricing for "groups of consumers." This language is overly broad. It effectively prevents hotels from ever changing their prices for fear that DCWP may accuse them of illegally targeting a specific "group of consumers." For instance, DCWP could argue that raising prices during the holidays illegally targets holiday travelers or raising prices during a sporting event illegally targets that team's fans.

Hotels cannot survive with inflexible prices. Lower prices during low seasons attract guests, while higher prices during peak seasons compensate for less revenue during low seasons. Forcing hotels to have the same prices would deter guests in low seasons and reduce revenue in peak seasons.

We appreciate that the Speaker's staff has been very receptive to addressing these unintended consequences. In our written testimony, we provided specific language changes to address these issues. As this bill is amended, HANYC will continue to be a resource for the Council. Again, thank you for your time and for the opportunity to testify today.

HOTEL ASSOCIATION OF NEW YORK CITY

HANYC Committee on Consumer and Worker Protection Testimony
June 17, 2026

Thank you for holding this hearing today. I am Niki Franzitta, Vice President of the Hotel Association of New York City, also known as HANYC. We are here to testify about Int. 891-2026, which bans the use of surveillance pricing. While we respect the Council's desire to protect consumers from predatory practices, this bill inadvertently prevents consumers from benefiting from major perks provided by hotels.

The primary issue is that the exemptions are contingent upon being "uniformly made available to all consumers." This effectively makes rewards programs illegal. Benefits for rewards program members increase as those members show greater loyalty to a particular brand. By their very nature, rewards programs are not "uniformly made available."

As currently written, consumers would be unable to accrue or use rewards program benefits in New York City. The results of this would be catastrophic for the hotel industry. Many travelers will avoid traveling to our city if they cannot use their rewards program benefits.

Aside from rewards programs, the "uniformly made available" provision also prevents consumers from benefiting from personalized discounts. These types of discounts require knowing a customer's voluntarily provided personal information. For instance, hotels often provide guests with discounts for special occasions, such as birthdays. Since not every guest shares the same birthday, this type of discount would be illegal.

This bill fails to take into account the nature of loyalty programs existing in the hotel industry . In addition to the requirement to provide uniform discounts to all customers , the legislation does not provide the ability to afford tailored discounts based on a particular customer's profile. Such circumstances should be addressed as this discussion proceeds.

We appreciate that the Speaker's staff has been very receptive to addressing these unintended consequences. In our written testimony, we provided specific language changes to address these issues. As this bill is amended, HANYC will continue to be a resource for the Council. Again, thank you for your time and for the opportunity to testify today.

Local 338 RWDSU/UFCW Testimony to the New York City Council on Intros 891 & 892

June 17, 2026

Good morning, Speaker Menin, Chair Epstein, and members of the Committee on Consumer and Worker Protection.

My name is Nikki Kateman, and I am with Local 338 RWDSU/UFCW. Local 338 represents more than 13,000 working men and women across New York State employed in industries including grocery and food retail, retail drug stores, health care and human service, agriculture, transportation, and cannabis.

Our members experience the impact of rising grocery prices every day, not only as consumers themselves, but also as the workers who interact directly with shoppers and witness firsthand the challenges families face when trying to afford basic necessities.

On behalf of Local 338, I am here today to discuss our concerns regarding Introduction 891 and Introduction 892. We believe Intros 891 and 892 are a positive step toward strengthening consumer protections and increasing price transparency. However, in both current forms, the bills contain loopholes that could undermine its intent.

Before discussing those concerns, I would like to thank Speaker Menin, Chair Epstein, and Majority Leader Abreu and their respective staff for meeting with us prior to this hearing, listening to our feedback, and reviewing the recommended amendments we submitted.

Regarding Intro 891, one of our primary concerns is that the bill does not address the collection, use, or sale of customer data. As drafted, the legislation is silent on the consumer protection issues that can arise from loyalty programs and the extensive data collection that often accompanies them.

While loyalty programs can provide legitimate discounts, they can also serve as a backdoor to surveillance-based pricing when retailers use customer data to tailor prices to individual shoppers.

This addition is essential to ensure that loyalty programs remain transparent and fair, while preventing the use of personal data to create individualized pricing that undermines consumer protections.

Even without advanced AI or surveillance tools, businesses already have extensive ability to analyze consumer behavior, including spending patterns tied to benefit cycles, seasonal demand, and external factors. This legislation should be structured to minimize pathways toward surveillance-based pricing.

Regarding Intro 892, we believe it is important to address the technology that can facilitate these pricing practices in brick-and-mortar stores. Electronic shelf labels, or ESLs, make it significantly easier to change prices quickly and often. Traditional paper price tags serve as a safeguard by creating friction around constant price changes and helping ensure prices remain consistent for consumers.

Businesses already know customer shopping patterns including when pension checks hit, when SNAP benefits are replenished and when demands spike due to predicted weather patterns such as a snowstorm. The goal should be to minimize pathways to greedflation and limit opportunities for rapid and data driven price increases that can harm consumers.

There is a worker protection component to both bills. When consumers experience unexpected price changes, their anger and frustration is often directed toward the frontline retail workers standing in front of them…our members.

Thank you again for your willingness to engage on this issue and consider amendments. Local 338 supports the intent of these bills and would like to thank Speaker Menin for her leadership and Chair Epstein and Majority Leader Abreu and your teams for being so receptive and responsive.

We look forward to continuing to work with the Council to strengthen the pieces of legislation and close remaining loopholes.

Thank you for your time, and I am happy to answer any questions.

June 17, 2026

Testimony of Anthony Peña
National President
National Supermarket Association

Before the

New York City City Council Committee on Consumer and Worker Protection

Regarding

Int 892 – Restricting the frequency of price increases in grocery stores

Good morning Chair Epstein and members of the Committee. My name is Anthony Peña, and I am President of the National Supermarket Association (NSA). The NSA represents the interests of independent supermarket owners across New York State. In the five boroughs alone, NSA represents more than 600 supermarkets that employ over 15,000 New Yorkers. Our members work hard every day to run their businesses, support their families, provide jobs, and ensure that their communities have access to fresh food and full-service supermarkets. Most of our members are Hispanic-owned businesses that have invested in neighborhoods where many larger chains have chosen not to operate. These are local business owners who live in the communities they serve and who understand the needs of their customers because they are their customers' neighbors.

Thank you for the opportunity to testify today regarding Int 892, which would restrict grocery stores from increasing the price of an item more than once within a 24-hour period.

To start, I want to be clear that the NSA and our members support transparency and fairness for consumers. The success of an independent supermarket depends on the trust of the community it serves, and our members understand that responsibility and take it seriously. However, we have concerns with this proposal because it would create new requirements and new uncertainty for independent supermarkets without fully accounting for how these businesses operate.

While we understand the intent behind Int 892, we are concerned that it creates a one-size-fits-all requirement for an industry that is anything but one-size-fits-all. Every supermarket is different. Every neighborhood is different. Store owners are responsible for managing thousands of products while responding to inventory needs, supplier information, promotions, customer demand, and the day-to-day realities of operating a supermarket.

For that reason, we believe decisions related to pricing are best left to the individual business owner who understands the needs of their store and their customers. Our members already comply with extensive requirements related to pricing, consumer protection, food safety, labor standards, and many other aspects of supermarket operations. We are concerned that this proposal adds another layer of regulation, while not really addressing the problem at hand.

We are also concerned about the practical implications of the bill. There may be circumstances where a store identifies a pricing error and needs to make a correction, or where other operational issues require a price adjustment. A rigid restriction may create unintended consequences that make it more difficult for stores to address those situations efficiently.

These concerns are particularly important for independent supermarkets, which often have fewer administrative resources than larger corporate chains. This requirement would be much more challenging for neighborhood businesses that are already balancing numerous regulations. In NYC, nearly 90 percent of supermarkets are independently owned, creating one of the most diverse grocery marketplaces in the country and ensuring that neighborhoods have access to locally operated stores that understand and serve their communities. It is important that we preserve this diversity and local ownership, but this bill would make it harder for these businesses to continue doing so.

For these reasons, we respectfully urge the Council to reconsider this proposal and carefully evaluate its impact on independent supermarkets.

As the Council considers Int 892, we encourage careful consideration of the impact on neighborhood supermarkets and the small business owners who operate them. Our members are committed to serving their communities and complying with the law, and we believe any new requirements should be clear, workable, and mindful of the realities facing independent businesses. We appreciate the opportunity to share our concerns and look forward to continuing the conversation with the Council. Thank you for your time and consideration.

NORTHERN MANHATTAN IMPROVEMENT CORPORATION (NMIC)

Written Testimony

Regarding

Surveillance Pricing and Consumer Protections

SUBMITTED TO:

New York City Council

Committe on Consumer and Worker Protection

June 17, 2026

Northern Manhattan Improvement Corporation (NMIC) is a settlement house that was founded in 1979 to protect low-income and immigrant families in Upper Manhattan. Since then, we have expanded into adjacent Bronx neighborhoods and support 14,000 New Yorkers annually. NMIC provides our community with a wide array of programs to address Housing, Immigration, Benefits Access & Finance, Education & Career, Health, and Holistic needs, playing a critical role in the delivery of necessary human services to our community comprised of immigrant, low income, and Spanish speaking populations- some of the most vulnerable New Yorkers. We thank City Council for continuing to invest in our communities and programs that keep New Yorkers stable, healthy and housed.

At NMIC, we see firsthand the financial challenges facing the communities we serve. The families who come through our doors are often struggling to afford housing, food, transportation, and other basic necessities. As a result, policies that affect the cost of everyday goods and services can have a significant impact on their economic stability. As such, we recognize the importance of ensuring that consumers are not charged higher prices simply because companies collect and use personal information to determine what they are willing or able to pay.

For these reasons, we are concerned that Int. No. 891, as currently drafted, may unintentionally limit access to discounts and promotions that many of the communities we serve rely upon to make ends meet. The communities that NMIC serves are often living on significant financial constraints. Many are working-class households, immigrants, seniors, and individuals navigating housing instability or severe economic hardship. For these New Yorkers, personalized discounts, loyalty rewards, digital coupons, and targeted promotions can provide meaningful savings on groceries, household necessities, transportation, and other everyday expenses.

While the bill appropriately seeks to prohibit practices that increase prices based on consumer data, its current definition of "surveillance pricing" may also include pricing practices that lower costs for consumers. We are particularly concerned that the bill's discount exception may be too narrow and could create compliance burdens that discourage businesses from offering targeted discounts altogether. If companies determine that providing personalized promotions is too complicated or legally uncertain, they may simply stop offering them. The result could be fewer savings opportunities for the very consumers this legislation seeks to protect.

In addition, it is unclear whether businesses would still be able to offer discounts to customers based on common consumer behaviors, such as recent purchases or shopping history, unless those consumers are enrolled in a loyalty program or participating in a specific promotional event. Many families benefit from these types of targeted offers, and eliminating them could increase, not decrease, their overall costs.

For the communities NMIC serves, affordability remains one of the most pressing challenges. As such, legislation addressing surveillance pricing should ensure that it targets harmful practices that raise prices while preserving pricing practices that reduce costs for consumers. We respectfully urge the Council to amend Int. No. 891 to clarify that personalized discounts, promotional offers, and other practices that lower prices for consumers are not considered surveillance pricing and to broaden the bill's exceptions accordingly.

Thank you to the members of the Committee for the opportunity to submit testimony and for your leadership.

NEW YORK CITY
CENTRAL LABOR COUNCIL, AFL-CIO

President
BRENDAN GRIFFITH
Secretary-Treasurer
JANELLA T. HINDS

TESTIMONY OF THE NEW YORK CITY CENTRAL LABOR COUNCIL, AFL-CIO
Committee on Consumer and Worker Protection

Int. No. 891-2026 & Int. No. 892-2026: Asymmetric Grocery Pricing

The New York City Central Labor Council, AFL-CIO, appreciates the Council's attention to surveillance pricing and electronic pricing systems. Working families are already dealing with the rapidly rising cost of living. They should not also have to worry that their personal data could influence the price they pay for a loaf of bread or half gallon of milk. At a time like this, the government has an important role to play in taking decisive actions to ensure transparency and consumer protection.

We're here in solidarity with our affiliates in the retail and grocery industry. Their members work every day in pharmacies, grocery stores, and retail shops, seeing firsthand the issues reported in the media. Members in the retail trades see firsthand how new technologies affect stores, workers, and shopping patterns. Too often, when introduced these technologies reduce staffing, shift risks onto frontline workers, and weaken accountability for large corporations, while the promised savings and consumer protections fail to materialize .

Int. No. 891 and Int. No. 892 identifies real problems. The CLC believes changes should be made to strengthen these bills and align them with the broader statewide approach advanced in the Protecting Consumers and Jobs from Discriminatory Pricing Act, and championed by our affiliates, including the RWDSU and UFCW. Grocery chains, pharmacy chains, online platforms, and major retailers operate across municipal lines, and the rules should be clear and consistent across New York State, so consumers are protected everywhere.

The state legislation recognizes a critical point: this is not only a consumer protection issue; it's a worker protection issue. Surveillance pricing, dynamic pricing, and electronic shelf labels are all a part of a broader industry transformation. Left unchecked, they can lead to a context where rapid automation is falsely marketed as "the only logical solution" to the problems facing the industry.

The Council could also consider using this time to examine the broader impact of technological shifts, and self-checkout more specifically. Marketed as convenience, that technology also means fewer staffed registers, reduced hours, more customer conflict, and more theft. Given such challenges, a policy response to retail pricing technology that also addresses the growth of self-checkout would be a tool in fighting the cost-of-living crisis.

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The NYC CLC respectfully asks the City Council to collaborate with the affiliates of the RWDSU to strengthen Int. No. 891 & Int. No. 892, to align the legislation with the statewide Protecting Consumers and Jobs from Discriminatory Pricing Act, or defer entirely to the state on this matter. Given the challenges related to automation and the expectation of mass displacement, we encourage working closely with RWDSU, RWDSU Local 338, UFCW, and the broader Labor Movement to keep workers at the center of the solution-making process in this industry .

PROTECT BORROWERS

Written Testimony by Protect Borrowers
at a Public Hearing before the
Committee on Consumer and Worker Protection
of the
New York City Council

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting surveillance pricing (Int 0891-2026)

A Local Law to amend the administrative code of the city of New York, in relation to restricting the frequency of price increases in grocery stores (Int 0892-2026)

IN SUPPORT

June 18, 2026

Chair Epstein and Members of the Council and Committee:

Protect Borrowers submits this testimony **in support** of Intro 891 and Intro 892. Protect Borrowers (formerly Student Borrower Protection Center) is a team of experts, lawyers, and advocates fighting to build an economy where debt doesn't limit opportunity. We investigate financial abuses, take predatory companies to court, and push for policies to protect working people from debt traps. We aim to deliver immediate relief to families while building power and driving systemic change.

New York City, like the rest of the country, is experiencing an affordability crisis. Although this crisis cannot be completely resolved at the city level, we applaud the Speaker and Majority leader for tackling this issue head on through Intro 891 and Intro 892. Protect Borrowers supports both bills.

Intro 891

Through Intro 891, New York City should lead the nation by prohibiting surveillance pricing, which has no place in a fair economy. New Yorkers should all have access to goods and services offered at the same price, and not at prices based on their unique circumstances. Without these protections, merchants can charge higher prices to consumers who lack the means to meaningfully comparison shop, or prey on consumers' desperation and need for a specific good or service, while extending better prices to other consumers.

Intro 892

Although the affordability crisis will not be resolved through transparency alone, Intro 892 would provide families with the transparency and consistently they need to set and manage their family budgets. Working households lack the time and financial means to compare prices across stores. Stores know this, and currently can increase prices to profit from these households' dependence on them. Intro 982 would limit grocery stores to one increase in prices in a 24-hour period. This would hold all stores to the same standard and provide a meaningful protection for New Yorkers by preventing multiple price surges. With only one increase daily, New Yorkers can more reliably set their schedule and shop at times that work for their families' budget.

However, we do wish to urge the Council to consider making both Intro 891 and Intro 892 privately enforceable by individual consumers. Without a private right of action, these protections cannot achieve their intended goals. This can be accomplished either by introducing individual private rights of action to both bills, or, preferably, by making the entirety of the Consumer Protection Law, which both bills amend, privately enforceable.

Finally, we urge the Council to work with the Department of Consumer and Worker Protection and with expert organizations like the American Economic Liberties Project to ensure both bills capture the complexity of these issues.

We appreciate the opportunity to support these bills, and would be happy to provide additional information.

Please contact Winston Berkman-Breen, Legal Director with Protect Borrowers, at winston@protectborrowers.org with any questions.

RETAIL COUNCIL OF NEW YORK STATE
RESULTS FOR TODAY'S RETAILERS

Testimony on Behalf of the Retail Council of New York State

New York City Council
Committee on Consumer and Worker Protection
June 17, 2026

Testimony Submitted by:

Kelsey Dorado Bobersky
Director of State and Local Government Relations
Retail Council of New York State

kelseydorado@rcnys.com

Good afternoon, Chair Epstein and Honorable Committee Members:

My name is Kelsey Dorado Bobersky; I am the Director of State and Local Government Relations for the Retail Council of New York State. Our organization is the state's leading trade group for the retail industry, representing member stores in New York City and across the state, ranging from the smallest independent merchants to national and international brands. Thank you for the opportunity to speak today on Introduction 891-2026.

Introduction 891 would prohibit retailers and other sellers of goods and services from engaging in "surveillance pricing" – defined in the bill as "setting a price, fee or discount for a specific consumer or group of consumers that differs from what is made available to other consumers, where that difference is based in whole or in part on personal data collected through surveillance technology."

The Retail Council of New York State would support legislation prohibiting the use of surveillance pricing to automatically increase the cost of products for specific customers. We are, however, opposed to the current bill, which would effectively limit a retailer's ability to offer popular discounts, promotions and savings to their customers. Specific examples of discounts that would be prohibited include, but are not limited to: discounts based on purchase history, discounts based on a wish list or registry and cart-abandonment discounts.

In addition, the inclusion of "past purchases" in the definition of "surveillance technology" is particularly concerning, as it would prohibit retailers from offering customers discounts on the items they regularly purchase. In practice, New York City consumers would no longer receive a personalized offer on the shampoo they buy every month or the specific brand of cereal their children prefer. These discounts are common – and popular – in today's economy, and customers in New York should continue to receive such offers.

For the discounts that are expressly permitted, like those "based on eligibility criteria that any consumer count potentially meet," merchants would be required to clearly and prominently disclose pricing policies in a manner that an ordinary consumer would notice and understand. The requirement raises serious competitive concerns for businesses in New York, as they would have to publicly disclose proprietary business information.

To be clear, our position on the bill does not distract from valid affordability concerns in New York. While businesses large and small continue to compete fairly in today's economy, recent price increases are a direct result of several external factors including tariffs, inflation, shipping and raw material costs. An outright prohibition on certain price discounts, coupons and promotions would exacerbate the affordability challenges facing New York residents, rather than provide meaningful solutions.

This issue is also extraordinarily complex and requires a very clear understanding of pricing and customer service in a competitive market. Stores throughout the state are faced with intense pressure to remain competitive and no legitimate retailer can afford to increase prices opportunistically without losing customers in the process. Furthermore, there are existing federal and state laws that prohibit price discrimination based on race, gender, religion, nationality, disability, age, sexual orientation and other protected characteristics – a legal standard that we strongly support.

Shoppers today have considerable tools and data at their disposal. They are now able to compare prices in real time and make an informed purchase based on price, quality, brand loyalty and service. As a result, there is far more incentive for retailers to reduce prices as they compete for each customer, and this competition ultimately benefits consumers.

It is important to note that the issue of surveillance pricing is being actively negotiated at the state level. Enacting a local law in advance of final action at the state level risks creating a patchwork of conflicting obligations for retailers that invest in New York. This intrastate variation would add to an already complex landscape. Connecticut and Maryland have recently adopted surveillance pricing laws that take very different approaches, with Connecticut expressly exempting all discounts and Maryland prohibiting the use of dynamic pricing to set a higher price. New York City retailers should not be subject to another distinct standard while the state is actively working toward its own framework. We urge the City Council to allow the state process to proceed before adopting a local standard.

Finally, Governor Jared Polis vetoed a similar bill in Colorado earlier this month. According to the governor's veto message:

"My primary concerns with HB26-1210 stem from the breadth of the bill. Instead of specifically defining and targeting unethical conduct and practices, the bill takes a broader approach to capture any technology that incidentally influences a price or wage amount. Because of the broad sweep, the bill would punish differentially lower prices, not just higher prices.

"I am concerned that instead of advancing a policy to specifically target clearly egregious price gouging practices, this broader framework will inadvertently capture innocuous uses of technology that in no way harms – and indeed benefits – consumers and workers. The broad approach of the bill is further demonstrated in the numerous exemptions provided to a wide range of business types and sectors. …

"In practice, this means that many Coloradans won't get discounts on items they buy if I were to sign this. …

"I find little comfort in the State defining in statute legally acceptable consumer discounts. This opens the door to some perfectly acceptable consumer discount, if not appropriately captured by the definitions in this bill, being subject to scrutiny and enforcement under the Consumer Protection Act. We should be championing, not deterring, opportunities for Coloradans to save money."

We pledge to remain constructive as you consider issues related to stores in the five boroughs. We are committed to working collaboratively with the City Council and relevant city agencies to address consumer protection, while preserving the ability of retailers to offer discounts and serve New Yorkers.

RWDSU

Stuart Appelbaum, *President*
Joseph Dorismond, *Secretary-Treasurer*
Maria Buonaugurio, *Recorder*
Randy Hadley, *Executive Vice President*

Retail, Wholesale and Department Store Union

Testimony of
Deborah Wright
National Political Director
Retail, Wholesale and Department Store Union ("RWDSU")

New York City Council on Committee on Consumer and Worker Protection
Hearing Regarding Int 891-2026 and 892-2026
June 17, 2026

Good morning, Chair Epstein, Madame Speaker, Majority Leader Abreu, and other distinguished members of the Council. Thank you for the opportunity to testify today on Int 891-2026 and Int 892-2026, which address surveillance and dynamic pricing, respectively.

First, I want to commend the New York City Council for recognizing the serious risks that surveillance and dynamic pricing pose to consumers. These introductions are an important first step in addressing these issues at a time when the affordability crisis facing New Yorkers, and families across the state and country, continues to worsen. With stronger and more carefully drafted legislation, New York City can become the first major municipality in the United States to protect consumers from these deceptive and harmful practices. We appreciate Speaker Menin, Majority Leader Abreu, and Chair Epstein for inviting RWDSU to submit proposed amendments to these bills. Based on our work advancing the "One Fair Price for Everyone" legislative package in Albany this session, we believe our amendments would provide strong, meaningful protections for New York City consumers.

Before I begin, I want to be clear: neither the state legislation nor our proposed amendments to these two City bills would prevent retailers from offering discounts or loyalty programs. Lobbyists working to defeat such legislation across the country will argue otherwise. They will claim that legislation of this kind would make it impossible for retailers to continue offering discounts or loyalty programs to consumers. That is simply not true. What our proposed language would do is stop corporations from exploiting consumers by using purchased or harvested personal data to study shopping habits and create individualized prices under the guise of a "discount" or "loyalty reward." I urge the Council not to accept the false premise that these bills would eliminate discounts for consumers. In fact, the language we propose would help preserve fair discounts while preventing abusive practices. That is precisely why so much money is being spent to defeat these measures or, worse, to weaken them to the point of ineffectiveness, as happened with the legislation Maryland enacted in April.

When corporations invest in patents related to surveillance and dynamic pricing, it undermines any claim that their primary goal is simply to offer discounts or reward loyalty. DoorDash, for example, obtained a patent titled "Detecting User Agitation Instruction," and Walmart has obtained patents for machine-learning systems designed to automate and optimize pricing. One of those systems analyzes customer data, including purchase history and payment methods, to predict demand and generate price recommendations. Walmart has also announced that it is accelerating the replacement of paper price tags with electronic shelf labels ("ESLs") in stores nationwide. That timeline was moved up after legislation to ban surveillance-based pricing, dynamic pricing, and electronic shelf labels was introduced in several states earlier this year. No corporation invests millions of dollars in this technology merely to save consumers money. In an era of unregulated algorithmic tools, these technologies are designed to maximize profits in ways that are often invisible to the consumer. For additional background on how predatory companies use loyalty programs, please see the linked resource at the end of this paragraph. MPU video about how loyalty programs are surveillance schemes

As currently drafted, Int 891-2026 contains significant gaps that risk undermining its stated purpose and create loopholes that offer only the appearance of consumer protection. To earn our support, this bill must be strengthened to address data privacy, surveillance-driven and dynamic pricing, worker protections, and emerging pricing technologies, particularly electronic shelf labels (ESLs).

Int 891-2026 addresses the effects of individualized pricing, but it does not meaningfully confront the surveillance infrastructure that makes those practices possible. As drafted, the bill does not address the purchase, collection, or sale of customer data in either its definitions or its prohibitions. Retailers routinely collect information through loyalty programs, mobile applications, digital coupons, online accounts, purchase histories, and third-party data brokers. They know what consumers buy, when they buy it, how often they buy it, whether purchases are made online or in person, and, in many cases, can predict future purchasing behavior. If the Council is serious about preventing surveillance-based pricing, it cannot ignore the data collection practices that make it possible. That is why we urge the Council to adopt the language we submitted to strengthen these protections.

Int 891-2026 also fails to clearly distinguish between legitimate loyalty programs and individualized pricing systems. Most consumers understand and accept loyalty programs when the discounts offered are uniform and available to everyone who participates. What consumers do not expect is for companies to use personal information to create individualized pricing models in which different shoppers pay different prices for the same product. Retailers have already deployed these practices in online commerce and are now moving to bring them into brick-and-mortar stores to further maximize profits. Without stronger language, loyalty programs could become a dangerous loophole that allows surveillance-based pricing to continue under another name. We strongly urge the Council to adopt the language we submitted to protect uniform loyalty discounts while prohibiting discounts individualized based on consumer data.

Int 891-2026 is also silent on pricing schemes that could use coupons to gouge consumers. Without language such as the amendments, we submitted establishing coupons against a fixed reference price, bad actors could artificially inflate the price of an item before offering a coupon that still results in the consumer paying more than the original price. That practice could be presented as a "coupon" while masking an effective price increase, leaving consumers unaware that they are being overcharged.

To ensure that Int 891-2026 and Int 892-2026 achieve their intended purpose, the Council must address the technology that enables predatory pricing practices in brick-and-mortar stores. Electronic shelf labels ("ESLs") are rapidly expanding in retail and create a far easier pathway for corporations to impose surge pricing on consumers. ESLs are cloud-connected digital displays that allow retailers to update prices remotely and in real time through wireless connections integrated into store information systems. These systems can change prices multiple times per day without any employee physically touching a shelf. Unlike traditional paper tags, which provide transparency and ensure that all customers see the same price at the same time, ESLs create the infrastructure necessary for predatory and surge pricing. They can be integrated with retailer mobile applications, loyalty programs, digital coupon systems, cameras, and other technologies to create systems capable of determining the maximum price different consumers would be willing to accept.

With the click of a button and minimal oversight, ESLs allow prices to be changed instantly across entire store networks, even by individuals who are not physically present in any of the stores affected. Although these systems are marketed as efficiency tools designed to modernize retail operations, they are also the infrastructure that makes dynamic and surge pricing possible in physical stores. We will be labeled as "anti-technology," but the truth is that traditional paper price tags have long served as a practical barrier to constant price fluctuations. ESLs will remove that barrier and make it possible for retailers to change prices storewide, undermining the very purpose of both bills.

Supporters of ESL technology often emphasize its ability to deliver "individual personalized deals." However, if technology can offer individual personalized discounts, it is equally capable of offering individualized higher prices. The distinction becomes difficult to verify and enforce, particularly when the pricing process is opaque to consumers and regulators.

The risks associated with ESL technology extend beyond pricing transparency. Lawmakers must carefully consider the implications for consumer protection, market competition, labor, and data privacy. Grocery retailers are increasingly adopting ESL systems because they allow companies to maximize profit margins through real-time price adjustments. Consumers with predictable shopping habits or identifiable characteristics, including families with children, seniors, and SNAP recipients whose benefits are distributed on predictable schedules, would be particularly vulnerable to exploitation through ESLs systems.

Consider the practical implications. During a weather emergency or other crisis, consumers could arrive at stores to purchase essential goods only to find that prices have increased dramatically in response to demand. A new parent shopping for infant formula could receive a different price than another shopper based on demographic information collected about them. These scenarios illustrate why many consumers and advocates are concerned about the potential for surveillance pricing to migrate from online platforms into physical retail environments.

The concerns are not theoretical. Last year, a study by Groundwork Collaborative, Consumer Reports, and More Perfect Union revealed that online grocery platforms have charged different prices based on customer characteristics and location.[1] The same principles can be applied in physical stores through ESL technology. As retailers rapidly deploy these systems, regulators and consumers are being asked to trust that companies will not utilize capabilities that the technology was specifically designed to enable.

For all these reasons, this is why we urge the Council to adopt our suggested amendments to prohibit the use of ESLs in brick-and-mortar stores.

We would be remiss not to raise the worker-protection implications of these technologies for our members that work in both food and non-food retail stores across New York City. Our members are on the front lines serving customers, and they are the ones who must absorb the frustration and confusion caused by unclear or fluctuating prices. Customers will not direct that frustration toward store owners, corporate executives, ESL manufacturers, or software developers. They will direct it toward the workers they see in the aisles, in the departments, and at the registers. Our members are being placed in the untenable position of having to explain pricing decisions they did not make and have no authority to change. At a time when workplace safety concerns in retail are already escalating, the Council should not allow new pricing technologies and practices to further increase the risk to our members.

Finally, we are concerned that the enforcement mechanisms in these bills may be inadequate. Sophisticated pricing algorithms and consumer data systems operate outside public view. Without stronger disclosure requirements, transparency measures, auditing authority, and regulatory oversight, the City may struggle to detect violations, and consumers may never know when they have been subjected to unfair practices.

In summary, we believe the Council has an opportunity to strengthen these bills by addressing the consumer data collection practices that underpin modern pricing systems, closing loyalty program loopholes, regulating the technologies that enable dynamic pricing, prohibiting the use of ESLs, and accounting for the impact these practices have on frontline workers. Adopting our proposed amendments to both bills would help ensure they more effectively achieve their intended goals of protecting consumers.

We look forward to continuing to work with the Council to strengthen and refine these bills and ensure they provide meaningful protection for consumers and workers alike.

Thank you.

[1] https://groundworkcollaborative.org/work/instacart/

tech:nyc

NYC Council Committee on Consumer and Worker Protection

Hearing on Int. 0891-2026 and Int. 0892-2026

June 17th, 2026

Good morning, Chair Epstein and members of the Committee on Consumer and Worker Protection. My name is Matt Henning, and I am the Director of Government Affairs at Tech:NYC, a leading voice for the technology industry in New York City. Tech:NYC represents hundreds of companies — from global tech leaders to startups — that are deeply committed to innovation and the advancement of the technology sector in New York City while preserving and strengthening the protection of the City's consumers. We respectfully express concerns on Int. 0891-2026 and Int. 0892-2026 as currently drafted.

Recommendation to Examine Passed State Legislation

Before addressing the substance of these bills, Tech:NYC urges the Council to delay advancing this local legislation until the state-level legislative process is complete. The New York State Legislature recently passed A9349B — the One Fair Price Act — and it now awaits action from Governor Hochul which must take place before December 31. That bill directly addresses the same core concern motivating Int. 0891: the use of personal data to manipulate prices charged to individual consumers.

Enacting a local law on the same subject before a State law is enacted risks creating a patchwork of conflicting definitions, obligations, and enforcement mechanisms that would be nearly impossible for businesses operating across the city and state to navigate. New Yorkers deserve clear and consistent consumer protections — not confusing and overlapping local and state regulations. We strongly encourage the Council to await for the state legislation to be finalized before taking action.

Shared Concerns About Harmful Surveillance Price Increases

We want to be clear: Tech:NYC does not oppose the fundamental goal of protecting consumers from predatory or discriminatory price increases. We agree that businesses should not be permitted to use a consumer's personal data to secretly charge them more than they would otherwise pay for the same product or service. That practice is unfair, opaque, and harmful, and it deserves to be prohibited.

Our concern is not to that goal. It is to the overbreadth of this legislation as drafted, which would sweep in conduct that is beneficial to consumers and create serious unintended consequences for both businesses and New Yorkers.

Int. 0891 Penalizes Discounts, Not Just Price Hikes

The core concern with Int. 0891 is that its definition of "surveillance pricing" captures not only instances where personal data is used to charge a consumer more — but also instances where data is used to charge a consumer less. In other words, it is our position that the bill as drafted would prohibit personalized discounts, targeted promotions, and individualized offers that consumers actively rely on and benefit from.

This is not a hypothetical concern. Colorado Governor Jared Polis, a Democrat, recently vetoed a nearly identical bill for precisely this reason. In his veto message, Governor Polis wrote that rather than "specifically defining and targeting unethical conduct and practices, the bill takes a broader approach to capture any technology that incidentally influences a price" and that "because of the broad sweep, the bill would punish differentially lower prices, not just higher prices." He further noted: "In practice, this means that many consumers won't get discounts on items they buy if I were to sign this."

The same risk is present here. While Int. 0891 does include some carve-outs for loyalty programs and publicly disclosed discounts, those exceptions are narrow, not thoroughly defined, and their compliance requirements are unclear. The bill does not formally incorporate location based calculations often used for transportation and delivery logistics. And the bill does not contemplate the marketing needs of small businesses that often provide limited discounts to attract new customers. The bill's structure makes continuing personalized promotional programs "incredibly complicated" and will likely cause many businesses — particularly small ones — to discontinue personalized discounts altogether rather than risk enforcement. That outcome hurts the very consumers the bill is intended to protect.

Looking to Maryland as a National Model

Tech:NYC recommends that if NYC moves forward with surveillance pricing legislation, it adopts the narrower, more precise approach taken by Maryland's recently enacted Protection From Predatory Pricing Act. Maryland's law targets the specific harm at issue: it bans the practice of setting a personalized price for a good or service that is unique to a consumer and higher than it would otherwise be, based on their personal data. Critically, Maryland's law does not prohibit the use of personal data to offer consumers lower prices, discounts, or personalized promotions.

This model bans the harm — using data to charge consumers more, while preserving the benefit — using data to charge consumers less. Tech:NYC recommends Int. 0891 to be amended to reflect that same targeted approach.

Int. 0892 Implementation Concerns

With respect to Int. 0892, Tech:NYC shares concerns raised by grocery industry stakeholders about the absence of any exception for legitimate real-time cost changes driven by supply chain disruptions, weather events, or other circumstances entirely outside a retailer's control. New York's existing price gouging regulations already recognize that outside factors can impact pricing in ways that are not punishable. Int. 0892 should be amended to include similar considerations, or its interaction with existing price gouging law should at minimum be clarified.

Conclusion

TechNYC and its members are committed partners in the effort to ensure New York City remains a fair, affordable, and innovative place to live and do business. We share the Council's concern about predatory pricing practices, and we would not oppose legislation that precisely and effectively addresses that harm. But these two bills as drafted risk serious unintended consequences for both consumers and businesses, and also conflict with passed state legislation.

Tech:NYC recommends the Council to: defer action until the state legislative process on the One Fair Price Act is complete and further incorporate the consideration of business discounts and consistency with state law to eliminate any unintended consequences.

We thank Speaker Menin, Chair Epstein, and the Committee for the opportunity to testify and welcome the opportunity to continue this conversation and be a partner to the Council on this issue.

Written Testimony of The Business Council of New York State, Inc.
Committee on Consumer and Worker Protection
Hearing on Int. No. 0891-2026 and Int. No. 0892-2026
June 17, 2026

The Business Council of New York State (BCNYS) is the leading statewide business advocacy organization representing more than 3,200 employers of all sizes and industries across New York. We respectfully submit this written testimony on Int. 891 and Int. 892 before the Committee on Consumer and Worker Protection.

We share the Council's commitment to protecting consumers from predatory and exploitative pricing practices. However, we are deeply concerned that these two bills go far beyond prohibiting predatory conduct and would produce serious unintended consequences for New York's consumers and business community alike. We respectfully urge the Council to pause consideration of both bills pending completion of the state legislative process, and to work with stakeholders to address the significant drafting concerns outlined below.

New York City Should Pause While Pending State Legislation Is Considered

The New York State Legislature recently passed S.8623-B/A.9349-B, a statewide bill banning surveillance pricing practices, which currently awaits action by the Governor. Enacting Int. 891 now could create a patchwork regulatory framework before the state framework is even decided on. It could impose duplicative, conflicting, and in some cases directly contradictory obligations on businesses operating in New York City.

BCNYS urges the Council to defer action on both bills until the Governor acts on S.8623-B/A.9349-B, and if state legislation is enacted, to forgo local enactment entirely.

BCNYS Supports Prohibiting Personal Data-Driven Price Increases — But the Bill Does Far More Than That

BCNYS agrees that personal data should not be used to charge a consumer a higher price than the standard price of a good or service. That is a legitimate and important consumer protection goal. Throughout discussions with the State Legislature on S.8623-B/A.9349-B, we provided amendments that would specifically prohibit surveillance pricing that provides consumers with higher prices based on their personal data.

However, similar to the flaws of S.8623-B/A.9349-B, Int. 891 would harm the very consumers it seeks to protect. Int. 891 as drafted does not merely prohibit predatory price increases; it broadly prohibits any price differentiation that relies on personal data, including discounts, targeted promotions, and individualized offers that consumers affirmatively value and rely upon.

The bill treats a data-informed price increase and a data-informed price decrease as the same offense. This is the wrong approach. The harm surveillance pricing laws should address is the use of consumer data to extract higher prices from individuals based on vulnerability or inferred willingness to pay — not the use of data to offer them savings.

The Bill's Overbroad Definitions Jeopardize Consumer Discounts and Beneficial Competitive Pricing Practices

The definition of "surveillance technology" is unworkably broad. It captures any system "capable of gathering or inferring personal data from a consumer's behavior, characteristics, location, past purchases, or other attributes." Under this standard, virtually every modern customer relationship management platform, billing system, and analytics tool qualifies as "surveillance technology." This would effectively prohibit any company from using its own customer data to offer a differentiated price — even where the sole purpose is to benefit the consumer.

Examples of beneficial practices that Int. 891 would endanger include (but not limited to):

- Personalized discounts and targeted promotions based on a consumer's purchase history, usage patterns, or expressed preferences;
- Proactive affordability and retention offers by telecommunications and utility providers to customers who appear to be struggling financially or at risk of service disconnection;
- Re-engagement offers by retailers and entertainment companies to lapsed customers based on their past purchasing history.

New York City consumers save hundreds of millions of dollars annually through personalized discount programs. Eliminating or severely curtailing these programs would leave consumers worse off, not better protected.

Colorado's Veto Illustrates What's at Risk for Consumers

Governor Polis of Colorado recently vetoed HB26-1210, a materially similar surveillance pricing bill, on the grounds that it would "punish differentially lower prices, not just higher prices" and would capture "uses of technology that in no way harms — and indeed benefits — consumers." The Governor observed that the bill would cause consumers to lose access to personalized discounts, stating: "Many Coloradans won't get discounts on items they buy if I were to sign this." He further noted that "we should be championing, not deterring, opportunities for [consumers] to save money."

The same concern applies in full force here. The Council should learn from Colorado's experience and ensure that any surveillance pricing legislation is sharply targeted at exploitative price increases, not beneficial discounts.

The Bill Requires a GLBA Exemption

Int. 891 currently exempts "insurance or credit products" but does not include a Gramm-Leach-Bliley Act (GLBA) entity and affiliate exemption. GLBA is a federal privacy law that requires financial institutions to disclose their information sharing practices to consumers and strictly protect consumers sensitive financial data. BCNYS urges the Council to incorporate such an exemption if it proceeds with any amended version of this bill.

Additional Concerns

- The bill imposes civil penalties per "violation" without defining whether a single pricing decision constitutes one violation or as many violations as there are affected customers or products. For large enterprises, exposure could be staggering and disproportionate to any actual consumer harm.

- The 120-day implementation timeline is unrealistic. Without implementing regulations, businesses have no guidance on how to audit existing practices or reconfigure systems to comply.

- The "low-income consumer" exception lacks any definition of how a retailer identifies a qualifying consumer and creates an unresolved tension with the bill's own definition of "personal data."

- We strongly discourage the Council from considering any amendments to this legislation that would ban other types of beneficial pricing technology, like Electronic Shelving Labels (ESL). Proponents assert that grocery and drug stores change prices based on who is walking down the aisle, which is false. Stores that utilize ESL can offer lower prices to match competitor pricing, optimize inventory (i.e., clearance pricing) and reduce price inaccuracies. ESLs offer retailers a range of meaningful operational and consumer benefits that make them a valuable investment across businesses of all sizes. On the labor side, ESLs free up associates from the time-consuming task of manually updating pricing signage, allowing staff to be redeployed toward more productive, customer-facing roles. Perhaps most significantly, ESLs enable retailers to respond rapidly to inflation and competitor pricing, ensuring shelf prices remain accurate and competitive without delay. Banning or restricting ESLs would carry real unintended consequences: it could stifle beneficial pricing innovations like dynamic discounts on expiring items, raise overall prices by limiting inventory optimization, and disproportionately harm smaller retailers who rely on automated pricing tools to compete efficiently. Rather than increasing price inaccuracy, ESLs help align shelf, checkout, and promotional pricing — reducing compliance risk and improving the overall shopping experience.

Implementation Concerns on Int. 892

Int. 892 would prohibit retail food stores from increasing the price of any item more than once within a 24-hour period and the bill raises significant implementation concerns. Most importantly, the bill contains no exception for circumstances outside a retailer's control, including:

- Supply chain disruptions that alter wholesale costs in real time;
- Severe weather events or natural disasters that immediately affect product availability and logistics costs; and
- Other sudden market shocks that are entirely outside a retailer's control.

New York State's existing price gouging regulations already address emergency-period price increases and contemplate the role of extraordinary external factors in pricing decisions. Int. 892 should be harmonized with those existing protections and should include appropriate exceptions for genuine market disruptions that force price adjustments outside a retailer's control so that businesses are not penalized for responding accurately to real-world cost conditions.

Conclusion

BCNYS shares the Council's goal of protecting New York consumers from predatory pricing practices. But as drafted, these bills go far beyond that goal. They would prohibit beneficial discounts and personalized offers, create a compliance nightmare by conflicting with pending state legislation, and produce perverse outcomes — fewer savings, less competition, and worse outcomes for the consumers the Council seeks to help.

BCNYS is committed to working constructively with the Council and all stakeholders on effective, well-calibrated consumer protections. We thank Chair Epstein and the members of the Committee for the opportunity to submit this testimony and welcome any follow-up discussion.

Respectfully submitted,

Chelsea Lemon
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PARTNERSHIP *for* New York City

Testimony of the Partnership for New York City

New York City Council
Committee on Consumer and Worker Protection

Int. 891 – Surveillance Pricing

June 17, 2026

Thank you, Chair Epstein and members of the committee, for the opportunity to testify on Int. 891 which would prohibit surveillance pricing. The Partnership for New York City mobilizes private sector resources and expertise to advance New York City's standing as a global center of economic opportunity, upward mobility, and innovation. We are a nonprofit organization whose members are preeminent business leaders and companies that support nearly 1 million jobs in New York City and deliver approximately $370 billion in economic output.

The Partnership strongly opposes Int. No. 891. We share the Council's commitment to consumer protection and affordability for all New Yorkers. Int. 891, however, would have the opposite of its intended effect by eliminating the personalized discounts, loyalty rewards, and targeted offers that make goods and services more affordable for everyday New Yorkers. Even where consumer-friendly pricing programs would not be prohibited, companies would be discouraged from offering these programs due to the legal risk created by the bill. This would be especially problematic for small businesses. This bill is also unnecessary - the New York State Legislature has just passed the "One Fair Price Act" (S.8623-A/A.9349-B) regulating surveillance pricing. Enacting a conflicting city law would impose an untenable dual-compliance burden on businesses while ultimately harming the consumers the Council seeks to protect.

Int. 891 Would Prohibit Pro-Consumer Pricing Practices

The bill defines "surveillance pricing" as any price differentiation "based, in whole or in part, on personal data collected through surveillance technology." The phrase "in whole or in part" means that a pricing decision touching any piece of consumer data triggers the prohibition. Meanwhile, "surveillance technology" is defined to include virtually any modern customer management or analytics platform (i.e., systems capable of gathering or inferring data from a consumer's "behavior, characteristics, location, past purchases, or other attributes" in any physical or digital environment).

Under these sweeping definitions, a wide variety of common, consumer-friendly practices the lower costs for customers would be prohibited. These include grocery "just for you" savings tailored to items a household regularly purchases; cart-abandonment price drops that help online shoppers complete a purchase at a lower price; "we miss you" win-back offers and discounted retention promotions for long-standing customers at risk of cancellation; birthday and purchase-anniversary promotions offered as a reward for customer loyalty; introductory pricing, renewal offers, and retention discounts; proactive lower-cost plan offers and financial relief programs extended to utility and telecom customers identified as being at risk of service disconnection; and disaster relief and emergency pricing support programs that rely on geographic and network analytics to identify affected customers.

Int. 891's Exceptions Are Too Narrow and Would Create Legal Uncertainty

The first exception (§ 20-709.2(c)(1)) covers price differences "based solely on costs associated with providing the good or service to different consumers." The word "solely" means that even where cost differences are the primary driver of pricing variation, if any other factor (e.g., customer service, retention, or competitive positioning) played a role, the exception is unavailable. This does not reflect how pricing actually works in any industry.

The second exception is also too limited. Requirements for public disclosure in § 20-709.2(c)(2) and § 20-709.2(c)(2)(a) are burdensome and limit the applicability of the exception. In addition, many consumer-friendly discount programs are targeted and cannot meet the exception's requirement to be "uniformly made available." For example, proactive outreach to at-risk customers, personalized win-back offers, or individually tailored service recommendations would be prohibited by the bill. Furthermore, the exception in § 20-709.2(c)(2)(b) for particular groups is vague (due to the use of the term "such as" instead of "including but not limited to"), creating a heightened legal risk for any company offering discounts to particular groups.

Int. 891's Penalty Structure Creates Legal Risk Out of Proportion to the Harm

The bill imposes civil penalties of $150, $300, and $1,000 per violation. For companies that set millions of individualized prices monthly, the potential aggregate liability would be astronomical and far out of proportion to any actual consumer harm. This structure creates a punitive enforcement environment that will drive businesses to eliminate data-informed pricing rather than risk noncompliance, even for programs that are clearly pro-consumer.

Int. 891 Would Especially Harm Small Businesses

Small and mid-size businesses in New York City rely on data-driven tools to connect with their customers. Tools like personalized promotions, loyalty rewards, and targeted discounts based on purchase history and preferences are the way these businesses build relationships, drive repeat visits, and stay relevant in a competitive market.

Int. 891 would prohibit a neighborhood retailer from sending a repeat customer a personalized discount. A local restaurant offering a "we miss you" promotion to lapsed diners, or a small e-commerce business offering a cart-abandonment discount, would be in violation. These are not exploitative practices — they are how businesses maintain customer relationships and compete for attention.

This bill would force businesses to abandon the personalization tools that drive customer engagement and replace them with one-size-fits-all pricing that treats every customer like a stranger. The result would be fewer relevant offers, weaker customer loyalty, and lost revenue for the local businesses that form the backbone of New York City's economy.

Recently Passed State Legislation Makes Int. 891 Unnecessary

The New York State Legislature recently passed the "One Fair Price Act" (S.8623-A/A.9349-B) regulating surveillance pricing. Int. 891 shares the same purpose but differs from the state bill in important ways (e.g., definitions, permissible discounts). Faced with conflicting requirements and the potential to be charged by both the city and the state for the same infraction, businesses operating in New York City would likely default to eliminating all data-informed pricing programs for New York customers rather than risk noncompliance with either regime. The result would be fewer discounts, less competition on price, and worse outcomes for consumers.

Since Int. 891 would discourage companies from offering consumer-friendly discounts to New York City customers and the state has just passed legislation regulating surveillance pricing, we urge the Council not to take action on this bill.

Thank you.

Uber

Testimony re: Intro 891 (Prohibiting Surveillance Pricing)

While Uber fully supports the City Council's intent to protect consumers from predatory, discriminatory, or opportunistic pricing practices, Intro. 891 as currently drafted casts far too wide a net. In its attempt to regulate surveillance pricing, the bill inadvertently strips local restaurants of their most cost-effective marketing tools, and creates immediate regulatory confusion ahead of finalized state legislation. To protect New York City consumers, riders, and neighborhood businesses, the Council must pause and address critical flaws in this legislation.

Small restaurants rely on our platforms to offer targeted discounts. Independent neighborhood restaurants operate on small margins and lack the massive advertising budgets of multinational corporate chains. Local eateries routinely use past ordering history to send automated coupons to win back lapsed customers, reward neighborhood regulars, or increase order flow during slow hours. An outright prohibition on many tailored promotions would exacerbate the affordability challenges facing New York residents, resulting in fewer discounts and reduced competition. A small family shop cannot afford a massive, blanket discount for large groups of users in the city; instead, they target promotions specifically to diners who enjoy similar cuisine. Forcing platforms to treat an item-aware promotion as a mandatory, universal price drop turns useful tools into a lever only affordable to big business.

Second, the Council must wait until the chapter amendment process plays out in Albany. The New York State Legislature recently passed the One Fair Price Act to regulate data-driven pricing at the state level. However, the landscape surrounding the One Fair Pricing Act indicates that the state bill remains a highly complex and evolving issue. The state legislature has made it explicitly clear that they expect chapter amendments on the state bill before the Governor signs it. Passing Intro 891 right now creates an immediate risk of conflicting regulatory frameworks, mismatched legal definitions, and immense compliance confusion for local merchants. The City Council should allow the state's chapter amendment process to fully play out in Albany to ensure local law aligns cleanly with eventual statewide benchmarks.

We respectfully urge the Committee on Consumer and Worker Protection to pause action on Introduction Number 891. The bill must be amended to explicitly protect targeted merchant-funded promotional discounts and align contextually with the ongoing legislative developments in Albany. Let's ensure consumer protections don't inadvertently raise checkout prices for everyday New Yorkers.

Testimony of
Jeremy Espinosa
Legislative Representative
United Food and Commercial Workers International Union

before the

New York City Council Committee on Consumer and Worker Protection
June 17, 2026
regarding

Int. 891, in relation to prohibiting surveillance pricing
Int.892, in relation to restricting the frequency of price increases in grocery stores

Good morning, Speaker Menin, Chair Epstein, and the honorable members of the Committee on Consumer and Worker Protection.

Thank you for the opportunity to testify today on behalf of UFCW International.

I am here today to discuss Introduction 891 and our concerns with Introduction 892. UFCW appreciates the intent of these bills and believes they represent a positive step toward strengthening consumer protections. We appreciate the leadership of Speaker Menin, Chair Epstein, Council Member Abreu, and their teams for their engagement and responsiveness throughout this process.

Introduction 891 is a good beginning in consumer protection, but as currently drafted, it risks leaving gaps in policy. Notably, the bill does not address the purchasing, collection, use, or sale of customer data. This omission is particularly concerning because data collection is the foundation upon which surveillance pricing systems are built.

The proposed ordinance is silent on loyalty and rewards programs and how they can be used as a backdoor to surveillance-based pricing. While loyalty programs are often presented as – and can be – a benefit to consumers, they can also be a mechanism for collecting detailed customer data which can then be used to set individualized prices. To prevent abuse, the ordinance should clearly state that differential pricing through loyalty programs is only permissible when discounts are uniform and available equally to all program members, rather than tailored to individuals based on their personal data or purchasing history.

Coupons can also be a tool for discriminatory pricing schemes. Without language establishing a fixed reference price, retailers could artificially inflate an item's base price and then offer a coupon that appears to provide savings while still resulting in consumers paying more than they otherwise would have. Such practices would undermine the bill's consumer protection goals.

Regarding Introduction 892: in its current form it inadequately addresses the technology that makes predatory pricing schemes possible in brick-and-mortar stores: Electronic Shelf Labels, commonly known as ESLs. To make this proposed ordinance work for consumers and not retailers, it must be amended to ban ESLs. Banning ESLs is necessary to adequately protect against surveillance pricing. Laws which prohibit the *practice* of price gouging but not the *technology* that makes it possible will create loopholes for retailers to easily exploit.

ESLs are cloud-connected digital displays that allow retailers to update prices remotely and in real time through wireless connections integrated into store information systems. These systems can change prices multiple times per day without any employee physically touching a shelf.

Unlike traditional paper tags, which provide transparency and ensure that all customers see the same price at the same time, ESLs create the infrastructure necessary for predatory and surge pricing. They can be integrated with retailer mobile applications, loyalty programs, digital coupon systems, cameras, and other technologies to create systems capable of determining the maximum price different consumers would be willing to accept.

Supporters of ESL technology often emphasize its ability to deliver "individual personalized deals." However, if technology can offer individual personalized discounts, it is equally capable of offering individualized higher prices. The distinction becomes difficult to verify and enforce, particularly when the pricing process is opaque to consumers and regulators.

The risks associated with ESL technology extend beyond pricing transparency. Lawmakers must carefully consider the implications for consumer protection, market competition, labor, and data privacy. Grocery retailers are increasingly adopting ESL systems because they allow companies to maximize profit margins through real-time price adjustments. Consumers with predictable shopping habits or identifiable characteristics, including families with children, seniors, and SNAP recipients whose benefits are distributed on predictable schedules, would be particularly vulnerable to exploitation through ESLs systems.

Consider the practical implications. During a weather emergency or other crisis, consumers could arrive at stores to purchase essential goods only to find that prices have increased dramatically in response to demand. A new parent shopping for infant formula could receive a different price than another shopper based on demographic information collected about them. These scenarios illustrate why many consumers and advocates are concerned about the potential for surveillance pricing to migrate from online platforms into physical retail environments.

The concerns are not theoretical. Last year, a study by Groundwork Collaborative, Consumer Reports, and More Perfect Union revealed that online grocery platforms have charged different prices based on customer characteristics and location.[1] The same principles can be applied in physical stores through ESL technology. As retailers rapidly deploy these systems, regulators

[1] https://groundworkcollaborative.org/work/instacart/

and consumers are being asked to trust that companies will not utilize capabilities that the technology was specifically designed to enable.

For this reason, UFCW International believes that a city ordinance prohibiting surveillance pricing without adequately addressing the technology that facilitates it leaves a significant loophole. Banning the use of ESLs is necessary to adequately protect consumers from the dangers these proposed ordinances intend.

We support the intent behind Introductions 891 and 892 and appreciate the Council's commitment to addressing surveillance pricing and consumer protection. We look forward to continuing to work with the Council to strengthen these bills, close remaining loopholes, and ensure that New York City adopts meaningful protections that keep pace with rapidly evolving retail technology.

Thank you for the opportunity to testify today.

Written Testimony of Arlette Cepeda
Interim Executive Director
La Colmena NYC, Inc. (Formerly known as Staten Island Community Job Center, Inc.)
NYC Council Committee on Consumer and Worker Protection

June 17, 2026

Greetings Chair and members of the Committee,

My name is Arlette Cepeda, Interim Executive Director at La Colmena in Staten Island. La Colmena is a nonprofit community-based organization working with day laborers, domestic workers, and other low-wage immigrant workers. Our mission is to empower them through organizing, education, culture, and equitable economic development.

This testimony is in support of amending the NYC Surveillance Pricing Bill — Int. No. 891-2026 (Surveillance Pricing). While we share the sponsors' goal of protecting consumers from exploitative pricing, Int. 891 as is, would restrict many of these discounts by sweeping them into the definition of "surveillance pricing" alongside the price increases the bill is rightly trying to prohibit. This legislation contains provisions that would eliminate the everyday discounts and savings tools that our immigrant communities depend on to make ends meet.

The communities we serve include lower-income consumers for whom every dollar matters. Personalized discounts, loyalty programs, and targeted promotions aren't harming these consumers — they are a meaningful source of savings for families watching every dollar.

While the bill does have some limited exceptions for discounts, they don't go far enough. We urge the Council to amend the bill to expand the bill's exceptions and make clear that personalized discounts and promotional offers — pricing practices that reduce what a consumer pays — are not "surveillance pricing."

We look forward to continuing to work with the City Council, The Office of Consumer and Workers Protection and other city agencies to ensure that immigrant communities in every borough—including Staten Island— are protected and continue to save as consumers.

Thank you for the opportunity to submit this testimony.

Arlette Cepeda

Arlette Cepeda
Interim Executive Director - La Colmena

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To: Committee on Consumer and Worker Protection
Subject: Consumer protections cannot stop at the checkout line
Date: June 17, 2026

My name is Ramona Ferreyra, and I submit this testimony on behalf of Save Section 9, a tenant-led coalition organizing to rehabilitate and expand public housing.

We support Int 0891-2026, prohibiting surveillance pricing, and Int 0892-2026, restricting the frequency of grocery price increases.

These bills recognize an important reality: New Yorkers are consumers, and affordability is not simply about income—it is about protecting people from systems that extract more and more while delivering less.

But affordability cannot begin and end at the checkout counter.

Our members are public housing residents, primarily women, caregivers, elders, disabled New Yorkers, and working-class households. We experience consumer vulnerability across every part of life—not only in grocery stores, but in housing.

That is why we urge the Council to apply the same principles reflected in these bills to public housing policy and budget decisions.

If this Council believes consumers deserve protection from unpredictable and exploitative pricing practices, then taxpayers and public housing residents also deserve protection from public policies that socialize costs while privatizing public assets.

Zohran's proposed budget for public housing allocates public resources towards activities tied to privatization and conversion, including PACT. **$1.5B in public funds will be used to make capital improvements across developments slated to transition away from traditional Section 9 public housing.**

This creates a fundamental contradiction.

Why should taxpayers finance rehabilitation and stabilization of public assets if those investments ultimately facilitate transfer into privatized management structures rather than preserving permanently public housing?

Why protect families from unstable prices at the grocery store while exposing them to instability where they live?

Consumer protection should include protecting residents from the erosion of democratic participation and ensuring public investment remains accountable to the public.

Save Section 9 asks this Committee to support a broader affordability agenda by advancing the following Citywide Solutions:

- Support a moratorium on additional RAD/PACT conversions until an independent impact study evaluates outcomes for tenants, costs to government, and long-term public asset preservation.
- Apply all public monies to the Comprehensive Modernization of Section 9.
- Ensure operating and capital support aligns with actual housing conditions and maintenance needs.

Budget Ask:

We ask the City Council to allocate all public monies towards the comprehensive modernization of Section 9 public housing.

New Yorkers should not be asked to pay twice: once as consumers facing rising living costs, and again as taxpayers financing the erosion of public ownership.

Consumer protection should mean protecting people everywhere they spend—and everywhere they live.

Background

Save Section 9 and Community Service Society **independently reviewed** NYCHA's physical needs assessment and concluded that a majority of the increase between the 2017 and 2023 PNA stems from "market conditions and inflation". **NYCHA's actual need is approximately $41.4B from 2023- 2043**. This makes NYCHA's annual need $2.07B. This total need can be addressed by strategic investments by the city, state and congress.

On average New York City allocates 5% of NYCHA's operating budget, approximately $250M. However, the mayor's preliminary budget allocates $662M to privatization via Project Based Section 8. We oppose his investment in privatization (via Project Based Section 8/ PACT) and support of demolition. **We urge the City Council to shift the mayor's preliminary allocation of $2.6B towards Section 9 public housing comprehensive modernization.**

The following graphs show the top ten (10) developments with the highest needs.

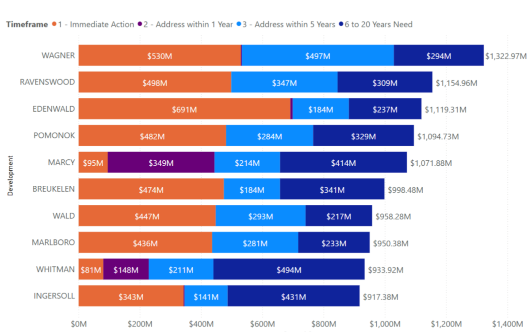

Figure 16 Developments with the Highest Needs by Timeframe

$662M could address the entire fiscal needs of Wagner Houses, the development in the worst shape according to NYCHA's latest physical needs assessment. That's 22 buildings, 2,162 homes for the next 100 years. Wagner has a need of $530M and 128 vacancies, and 16 non dwelling units. It is followed by **Ravenswood Houses** with 31 buildings, 2,166 units and a need of $498M, 65 vacancies, and 4 non dwelling units.

Sustainable Revenue Sources

We urge the adoption of legislative proposals that increase the city and state's revenue. The revenue created by these would fund a budget line item and ensure rehabilitation and expansion of Section 9 is fiscally sustainable.

- In New York City 10% of the Fair Share Act would result in $400M annually for Section 9.
- At the state level 5% of the Repeal of Stock Trade Tax (STT) Rebate Act would secure $3B for Section 9.
- Nationally 5% of the Make Billionaires Pay Their Fair Share Act would create $22B for Section 9.

Solutions

1. **Institute a moratorium on privatization via Project Based Section 8** (RAD/ PACT and the Public Housing Preservation Trust). NYCHA could use this time to assess their performance, recalibrate and refocus on their core responsibility, managing Section 9 in NYC. The moratorium should be reliant on an impact study being conducted by the Government Accountability Office as requested by Congresswoman Maxine Waters in 2023.
2. **Establish a pathway back to Section 9.** RAD/ PACT is fundamentally anti-democratic because it strips tenants, cities, states and Congress of policy flexibility. The lack of a return mechanism erodes public assets, and leads to permanent public-sector shrinkage without future voter consent.
3. **Democratize the privatization process.** Project-Based Section 8 transforms public housing governance without creating equivalent democratic protections for tenants. Tenants experience privatization as something done to them rather than governed with them.
4. **Develop new guidelines for an organizational plan** in tandem with the Federal Monitor. The last plan was fiercely denounced by tenants and adopted in spite of our objections. We recommend this plan be inspired by the operational plans of 1965-1970.
5. **Encourage and support NYCHA's growth.** Ensure that hiring focuses on securing union personnel for roles that improve tenants' quality of life. Each development should have a plumber, a carpenter, and enough building porters to assign two porters to each building. We would make plasterers and painters the second wave of hiring. These roles should provide apprenticeships to tenants and lean on Section 3.

In Solidarity,

Citywide Council of Presidents
Neighbors Helping Neighbors
Residents to Preserve Public Housing
Save Section 9

Written Testimony in Opposition to Intro 0891-2026

New York City Council, Committee on Consumer and Worker Protection Hearing

To Council Member Harvey Epstein, Chair of the Committee on Consumer and Worker Protection and Members of the Committee,

My name is Brad Bromlom. I'm the CEO and founder of Fat & Weird Cookie Co., a gourmet stuffed cookie company my wife Aubrie and I started in 2018. Our company started as a birthday surprise: as an avid cookie lover, my wife asked her Instagram followers to send me cookies for my birthday, and over 1,000 showed up at our doorstep from friends, family, and loved ones all over the world. We tasted every single one, decided we could make something even better, and launched our own company two months later. It was a passion project before it was anything else. But partnering with platforms like DoorDash in 2023 is what helped turn that passion into a real, growing business. Right now, this Committee is considering legislation, Intro 0891-2026, that threatens that.

When we joined DoorDash we started in 24 DashMart sites, basically a delivery only grocery/convenience store. Within a year, we were in 93. That growth came directly from our investment in DoorDash's promotional tools: item-level discount campaigns, basket-level promos, DashPass partnerships, and a Virtual Storefront we launched in January 2024.

The results speak for themselves. When DoorDash ran a promotion offering a dollar off one of our cookies, our sales jumped between three and six times what we'd normally do. Our best result was an 18-times increase in volume from a single campaign. That is the difference between a slow week and a breakthrough week for a small business. None of that required a national advertising budget. It required DoorDash running the right deal and making sure the right people saw it.

Intro 0891-2026 would make campaigns like those a lot harder to run, or eliminate them altogether. The way the bill is written, the kinds of deals that drove our growth would either be banned outright or buried under compliance requirements that make them not worth doing. For a big company with lawyers and endless money, that's just an inconvenience. For a small business that built its growth on these tools, it's a life-threatening problem.

We believe consumers deserve to be treated fairly, and we support the Council's intention with this bill. But Intro 0891-2026 could also wipe out the promotions and discounts that consumers love and that help small businesses like ours grow. We hope the Council will take a closer look and change this bill for the best before moving forward. My small business can't afford for lawmakers to get this wrong.

Sincerely,

Brad Bromlom
CEO/Founder, Fat & Weird Cookie Co.

Written Testimony in Opposition to Intro 0891-2026

New York City Council, Committee on Consumer and Worker Protection Hearing

To Council Member Harvey Epstein, Chair of the Committee on Consumer and Worker Protection and Members of the Committee,

My name is Britney Moss, and I own Cupcake Me, a bakery I built from the ground up right here in the Bronx, nearly lost during COVID, and rebuilt with the help of DoorDash. I'm writing because a bill this Committee is considering, Intro 0891-2026, would threaten the tools that made that comeback possible.

I started Cupcake Me in 2017. At 27, I invested everything I had to open a storefront in the Bronx. When the pandemic hit, I had to close. I moved operations into a basement kitchen, went fully online, and did my best to hold on. At the end of 2022, I connected with DoorDash and was introduced to DashMart. I started small, just offloading what inventory I had left. It worked.

Today, about 67 percent of my revenue runs through DoorDash and DashMart. That partnership didn't just save Cupcake Me, it helped me grow it. We now ship to customers in Maryland, Pennsylvania, New Jersey, Virginia, and across New York. I've been featured on the Today Show, partnered with Madison Square Garden, and watched my business expand in ways I couldn't have imagined from that basement kitchen. My 9-year-old daughter has had a front row seat to my success and it inspired her to start her own lemonade company, and she's already talking about growing it the same way I grew mine – through DoorDash.

That growth happened because DoorDash could put my products in front of the right customers at the right time. When someone who has ordered similar treats before gets a personalized promotion for Cupcake Me, I get a sale I never would have found on my own. For a Bronx bakery with no marketing budget, that kind of targeted discovery is the difference between growing and going under.

By restricting the use of purchase history and consumer data to personalize discounts, this bill could eliminate one of the most powerful tools available to small businesses like mine. The brands that don't need it, the ones with national advertising budgets, will be fine. But me and my small business won't.

I am asking the Council to think about what this legislation means for entrepreneurs, like me, who are still building. Please protect the tools that help us reach the customers who want what we have.

Sincerely,

Britney Moss
Owner & Founder, Cupcake Me | Bronx, New York

From:	Jimmy Tsoulos
To:	Testimony
Subject:	[EXTERNAL] Re: Independent Restaurant Opposition to Introduction Number 891
Date:	Thursday, June 18, 2026 3:43:37 PM

[redacted]

June 18,2026

Hon. Harvey Epstein, Chair
Committee on Consumer and Worker Protection
Speaker Julie Menin, Sponsor

The Council of the City of New York
City Hall, New York, NY 10007

Re: Independent Restaurant Opposition to Introduction Number 891

Dear Chair Epstein, Speaker Menin, and Members of the Committee:

I am writing as the owner of an independent restaurant in New York City to urge you to amend Introduction Number 891. While we support stopping predatory pricing that gouges consumers, this bill will unintentionally ban the promotional discounts we use on third party delivery apps to keep our doors open.

Local restaurants use targeted discounts as one of the few affordable ways to reach customers. We run promotions to encourage first-time orders, offer savings to nearby residents, reduce delivery fees for regulars, and promote certain dishes during our slower hours. These targeted offers lower prices for consumers. They do not raise prices, and they are certainly not surveillance pricing.

Large fast-food chains can afford statewide promotions and massive television ad buys. Small restaurants cannot. A neighborhood cafe cannot afford to give the same five dollar discount to everyone at all times. If we lose the ability to use digital platforms to offer targeted savings, we will lose a critical tool for surviving rising food and labor costs.

Please amend Introduction Number 891 to clearly protect common promotions and restaurant funded discounts. Doing so will ensure New Yorkers continue to save money on their meals while allowing local food establishments to compete.
Sincerely,

James Tsoulos
Owner, Utopia Bagels
Manhattan, New York

Jimmy Tsoulos | Partner

utopiabagels.com | @utopiabagels

jimmy@utopiabagels.com

Written Testimony in Opposition to Intro 0891-2026

New York City Council, Committee on Consumer and Worker Protection Hearing

To Council Member Harvey Epstein, Chair of the Committee on Consumer and Worker Protection and Members of the Committee,

My name is Julie Wolf. I'm the founder of Fairly Nuts, a trail mix company I started in 2023, and I sell through DashMart locations across New York City. I am writing to make sure the Council and this Committee understand what Intro 0891-2026 would actually do to businesses like mine.

I came into my business the same way a lot of entrepreneurs do. I saw something missing. As a competitive runner and former Division I collegiate track athlete, healthy, portable snacks were part of my daily routine. But what I wanted didn't exist the way I wanted it, so I built it.

Fairly Nuts is still a small operation. We have a small marketing team of two (myself included). We don't have a warehouse. We don't have a paid media budget. What I have is a product I believe in and a few distribution channels that get it in front of people, including DashMart via DoorDash.

What DashMart actually gives me is more than shelf space. It's the chance to be discovered. DoorDash runs promotions that put my products in front of customers who are looking for something healthy and convenient. When one of those deals lands with the right person, I don't just make one sale. I earn a customer who loves my products and comes back. That's how a small company without a marketing budget has any shot at building a following.

Intro 0891-2026 could make it a lot harder to run those kinds of promotions. What I'd be left with is the equivalent of putting a flyer on a telephone pole and hoping the right person walks by. That works if you're already a brand people know. For a company just starting to build a customer base, it doesn't.

I understand the Council is trying to protect consumers, and I think that's the right goal. But from where I'm sitting, these promotions and discounts aren't hurting anyone. They help customers find products they actually want, often at a lower price. And they're one of the few ways a small business like mine has a real shot at growing.

I urge the Council to think carefully about what this bill could take away from local small business owners like me, before moving forward.

Sincerely,

Julie Wolf
Founder, Fairly Nuts | Upper West Side, Manhattan

From: Keisha Ballentine
To: Testimony
Cc: Windel Cargill
Subject: [EXTERNAL] Surveilance pricing
Date: Friday, June 19, 2026 5:21:30 PM

[redacted]

June 19, 2026
Hon. Harvey Epstein, Chair
Committee on Consumer and Worker Protection
Speaker Julie Menin, Sponsor
The Council of the City of New York
City Hall, New York, NY 10007

Re: Clarifying the Definition of Surveillance Pricing in Introduction Number 891

Dear Chair Epstein, Speaker Menin, and Members of the Committee:

I am writing as a New York City merchant to ask for crucial adjustments to the definitions within Introduction Number 891. There is a clear difference between predatory personalized price increases and legitimate targeted discounts, but the current bill treats them as the exact same thing.

The bill defines surveillance pricing as setting a differing price, fee, or discount based in whole or in part on personal data. This phrasing is dangerously broad. It captures basic marketing efforts like automated promotional emails, delivery fee reductions for local addresses, and customized digital coupon codes. These are tools that lower the price for the consumer and help small businesses survive.

We support stopping companies from using sensitive data to charge a customer more money than a standard rate. However, using data to offer a customer a lower promotional rate must be protected.

I respectfully request that the Committee amend the definition of surveillance pricing to explicitly exclude bona fide custom discounts that reduce the cost of goods and services below the standard retail price.

Sincerely,
Keisha Ballentine-Cargill

Owner, Cooler Runnings
Bronx, New York

Wednesday, June 17th, 2026

Hon. Harvey Epstein, Chair
Committee on Consumer and Worker Protection
Speaker Julie Menin, Sponsor
The Council of the City of New York
City Hall, New York, NY 10007

Re: Prevent Corporate Monopolies by Amending Introduction Number 891

Dear Chair Epstein, Speaker Menin, and Members of the Committee:

I am writing to express my opposition to Introduction Number 891 in its current form. By broadly banning targeted digital discounts, this legislation unintentionally hands a massive competitive advantage to billion dollar corporate conglomerates at the expense of local New York City businesses.

Large corporations have the capital to absorb the cost of offering uniform, broad discounts to every single consumer at once. Small storefronts like mine do not have that luxury. We stretch our limited marketing dollars by offering strategic, targeted savings to specific consumer segments, such as local neighborhood residents or people ordering from us for the first time.

If the City Council prohibits us from targeting our discounts, our only choice will be to stop offering discounts completely. This will drive price sensitive shoppers directly into the arms of large national chains, accelerating the loss of independent commerce in our city.

Please protect small businesses from this unintended consequence. Amend the bill to explicitly permit bona fide targeted discounts that lower costs for consumers so that we can continue to compete against corporate giants.

Sincerely,

Kenneth Vallespir
Head of Business Development, Better Food Group, DBA Terra - Eat Better Food, M1-BFG
Chelsea, New York

All the best,
Kenneth Vallespir
Business Development & Technology

Kenneth.vallespir@terra-ny.com

From:	Steven Lin
To:	Testimony
Subject:	[EXTERNAL] Consumer Impact of New York City 891
Date:	Thursday, June 18, 2026 4:19:25 PM

[redacted]

Dear Chair Epstein, Speaker Menin, and Members of the Committee:

I am a small business owner in New York City, and I am writing to warn you about the severe consumer impact of Introduction Number 891. While this bill aims to stop unfair pricing, it is going to achieve the exact opposite result by eliminating the daily discounts that New Yorkers rely on.

Under the current draft, any discount offered based on past shopping data or digital engagement could be banned as surveillance pricing. When local merchants offer lapsed customer promotions or customized digital coupons, we are actively lowering the cost of goods for our community. We use data to provide savings, not to gouge people.

Because small businesses cannot afford to make every targeted discount a permanent, universal price drop, this bill will force us to eliminate promotional savings entirely. The end result will be higher everyday prices for local families who currently benefit from our digital marketing offers.

I urge you to consider the real world impact of this legislation. Please amend Introduction Number 891 to protect small business discounts that ultimately benefit the consumer.
Sincerely,

Steven
Owner, Mikado
New York, NY

--

Steven Lin

Mikado Sushi

steven@linhospitality.com

New York City

Written Testimony in Opposition to Intro 0891-2026
New York City Council, Committee on Consumer and Worker Protection Hearing

To Council Member Harvey Epstein, Chair of the Committee on Consumer and Worker Protection and Members of the Committee,

My name is Steven Nikolakakos, and I own Gracie's Corner Diner on the Upper East Side of Manhattan. I have been in the restaurant business for years, and I have watched this industry change a lot. The way New Yorkers order food is different now than it was a decade ago. Most customers today expect to be able to order online and get food delivered to their door. If you are not on delivery platforms, you are not where your customers are.

Delivery platforms now bring in about $8,000 a week for my business. That is real money, and I have been working to grow it. My plan right now is to use the promotional tools these platforms offer to bring in new customers and build out a catering operation for offices, events, and local businesses in the neighborhood. A neighborhood diner does not have the marketing budget of a chain restaurant. Deals and promotions that reach people nearby and give them a reason to try us are one of the few affordable ways a place like Gracie's Corner can grow.

Intro 0891-2026 could make it a lot harder for delivery platforms to run those kinds of deals and promotions. If that happens, I lose the strategy I am counting on to grow. And the customers who would have found Gracie's Corner through one of those offers simply never discover us at all.

I understand the Council wants to protect consumers, and I respect that goal. From where I sit, those deals help local restaurants like mine connect with the neighborhood. That feels like the opposite of a problem.

I am not asking for anything special. I just want to be able to run my restaurant, compete fairly, and keep building. I ask the Council to think carefully about how this bill would affect small business owners like me before moving forward.

Sincerely,

Steven Nikolakakos
Owner, Gracie's Corner Diner | Upper East Side, Manhattan

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ______ Res. No. ______

☐ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: Commissioner Sam Levine

Address: Admin

I represent: ______

Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ______ Res. No. ______

☐ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: Carlos Ortiz

Address: Admin

I represent: ______

Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 Res. No. 892

☑ in favor ☐ in opposition

with additions

Date: 06/17/26

(PLEASE PRINT)

Name: Nikki Kateman

Address: [redacted] Woodside 11377

I represent: Local 338 RWDSU/UFCW

Address: 1505 Kellum Place, Mineola 11501

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 Res. No. ______
☑ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: Jarret Hova
Address: ______
I represent: NYS Atty General
Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891, 892 Res. No. ______
☐ in favor ☑ in opposition

Date: ______

(PLEASE PRINT)

Name: Matt Henning
Address: ______
I represent: Tech:NYC
Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ______ Res. No. ______
☐ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: Andy Schwenk
Address: Admin
I represent: ______
Address: ______

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 Res. No. ______
☒ in favor ☐ in opposition

Date: June 17, 2026

(PLEASE PRINT)

Name: Mayu Tobin-Miyaji

Address: , Washington, DC

I represent: Electronic Privacy Information Center (EPIC)

Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 Res. No. ______
☐ in favor ☒ in opposition

Date: ______

(PLEASE PRINT)

Name: Jabari Cooper

Address: Jabari@progresschamber.org

I represent: Chamber of Progress

Address: ______

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 Res. No. ______
☐ in favor ☒ in opposition

Date: 6/17/26

(PLEASE PRINT)

Name: Kelsey Dorado Bobersky

Address: Albany, NY 12210

I represent: Retail Council of NYS

Address: ______

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 891 & 872 Res. No. ______

☐ in favor ☒ in opposition → With Changes

Date: 6/17/21

(PLEASE PRINT)

Name: Alexandre Gleason

Address: agleason@nycclc.org

I represent: NYC Central Labor Council, AFL-CIO

Address: 350 W. 31st St, NY, NY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ______ Res. No. ______

☐ in favor ☐ in opposition

Date: 6/17/26

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: 5lrr c/o Ave

I represent: Self

Address: ______

Please complete this card and return to the Sergeant-at-Arms