

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8895

To prohibit food retailers and third party delivery service providers from using technology that uses the personal data of a consumer to engage in dynamic pricing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2026

Mr. GOTTHEIMER (for himself and Mr. LAWLER) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit food retailers and third party delivery service providers from using technology that uses the personal data of a consumer to engage in dynamic pricing, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “No Rigged Grocery  
5       Prices Act”.

1 **SEC. 2. PROHIBITION AND REQUIREMENTS FOR FOOD RE-**  
2 **TAILERS AND THIRD PARTY DELIVERY SERV-**  
3 **ICE PROVIDERS RELATED TO DYNAMIC PRIC-**  
4 **ING.**

5 (a) PROHIBITION.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), a covered entity may not use any tech-  
8 nology that uses the personal data of a consumer to  
9 engage in dynamic pricing.

10 (2) EXCEPTIONS.—Paragraph (1) does not  
11 apply with respect to any of the following:

12 (A) An offer made to a consumer by a cov-  
13 ered entity—

14 (i) that is—

15 (I) a promotional pricing offer, a  
16 loyalty program benefit, a reward pro-  
17 gram benefit, or any other similar  
18 membership benefit with respect to  
19 which any consumer may voluntarily  
20 enroll or consent to participate in; or

21 (II) a temporary discount or  
22 price change related to retention of  
23 existing customers; or

24 (ii) with respect to which the con-  
25 sumer consented to provide personal data

1           or other information to the covered entity  
2           in exchange for such offer.

3           (B) The price of food set by a covered enti-  
4           ty based on objective costs (such as costs re-  
5           lated to shipping or taxes) related to different  
6           consumers.

7           (b) REQUIREMENTS.—

8           (1) IN GENERAL.—With respect to a covered  
9           entity that offers to a consumer the option to order  
10          a grocery item online, the covered entity shall dis-  
11          close to the consumer—

12                 (A) if the availability of the grocery item  
13                 has changed; or

14                 (B) if the grocery item is weighed to deter-  
15                 mine the price of the such item.

16          (2) REQUIREMENTS FOR THIRD PARTY DELIV-  
17          ERY SERVICE PROVIDERS.—With respect to a third  
18          party delivery service provider that offers to a con-  
19          sumer the option to order a grocery item online, the  
20          third party delivery service provider shall obtain ex-  
21          plicit approval from the consumer to substitute such  
22          grocery item before the third party delivery service  
23          provider or an agent thereof substitutes such item  
24          on behalf of the consumer.

25          (c) ENFORCEMENT.—

1           (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
2           TICES.—A violation of this section shall be treated  
3           as a violation of a regulation under section  
4           18(a)(1)(B) of the Federal Trade Commission Act  
5           (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
6           tive acts or practices.

7           (2) POWERS OF COMMISSION.—The Federal  
8           Trade Commission shall enforce this section in the  
9           same manner, by the same means, and with the  
10          same jurisdiction, powers, and duties as though all  
11          applicable terms and provisions of the Federal Trade  
12          Commission Act (15 U.S.C. 41 et seq.) were incor-  
13          porated into and made a part of this Act. Any per-  
14          son who violates this section shall be subject to the  
15          penalties and entitled to the privileges and immuni-  
16          ties provided in the Federal Trade Commission Act.

17          (d) DEFINITIONS.—In this section:

18           (1) COVERED ENTITY.—The term “covered en-  
19           tity” means any of the following:

20                   (A) A food retailer.

21                   (B) A third party delivery service provider.

22           (2) DYNAMIC PRICING.—The term “dynamic  
23           pricing” means the practice of increasing the price  
24           of food offered for sale to a consumer based on the

1 personal data or other information of such con-  
2 sumer.

3 (3) **FOOD RETAILER.**—The term “food retailer”  
4 means a business that—

5 (A) is at least 15,000 square feet; and

6 (B) sells food to consumers.

7 (4) **THIRD PARTY DELIVERY SERVICE PRO-**  
8 **VIDER.**—The term “third party delivery service pro-  
9 vider” means an entity that facilitates the delivery  
10 of food to a consumer.

11 (5) **PERSONAL DATA.**—The term “personal  
12 data” means any information that is linked or can  
13 be reasonably linked to an identified or identifiable  
14 consumer.

15 **SEC. 3. REPORT ON THE EMPLOYMENT EFFECTS OF ELEC-**  
16 **TRONIC SHELF LABELS.**

17 Not later than 1 year after the date of the enactment  
18 of this Act, the Secretary of Labor shall submit to Con-  
19 gress a report on any effect of grocery stores adopting the  
20 use of electronic shelf labels on the number of individuals  
21 employed by such grocery stores.

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