

# ASSEMBLY, No. 4523

## STATE OF NEW JERSEY

### 222nd LEGISLATURE

INTRODUCED MARCH 10, 2026

**Sponsored by:**

**Assemblyman CHIGOZIE U. ONYEMA**

**District 28 (Essex and Union)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Reynolds-Jackson, Assemblymen Venezia, Kearney,  
Assemblywomen Haider, Brennan and Assemblyman Stewart**

**SYNOPSIS**

Establishes "Fair Price Protection Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/19/2026)**

1 AN ACT concerning surveillance-based price setting and  
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

7 1. This act shall be known and may be cited as the “Fair Price  
8 Protection Act.”  
9

10 2. As used in this act:

11 “Bona fide discount” means an offered price that is lower than the  
12 genuine price at which a product or service is widely offered to the  
13 public on a regular basis for a reasonably substantial period of time  
14 and not for the purpose of establishing a fictitious price to enable the  
15 subsequent offer of a reduction.

16 “Clear and conspicuous” means in larger type than the  
17 surrounding text, or in contrasting type, font, or color to the  
18 surrounding text of the same size, or set off from the surrounding text  
19 of the same size by symbols or other marks, in a manner that clearly  
20 calls attention to the language.

21 “Consumer” means a natural person who is seeking to purchase,  
22 or is solicited to purchase, groceries and other foodstuffs or services  
23 for personal, family, or household use.

24 “Electronic shelving label” means an electronic and wireless paper,  
25 also known as “E-paper,” display that presents the product and  
26 pricing information for groceries and other foodstuffs.

27 “Groceries and other foodstuffs” or “product” means dairy  
28 products, meat and delicatessen products, produce products, seafood  
29 products, carbonated beverages, coffee and other beverages, snack  
30 foods, candy products, baked products, paper products, household  
31 cleaning items, health and beauty products, frozen foods, pet foods  
32 and supplies, and any other edible product not previously listed.

33 “Retail food store” means any retail establishment where groceries  
34 and other foodstuffs are regularly and customarily sold in a bona fide  
35 manner for off-premises consumption.

36 “Service” means any activity that is performed, in whole or in part,  
37 for the purpose of financial gain including, but not limited to, sale,  
38 rental, leasing, and licensing for use.

39 “Surveillance-based price setting” means offering or setting a  
40 customized price for a product or service for a specific consumer or  
41 group of consumers based, in whole or in part, on information  
42 collected through electronic surveillance technology, which involves  
43 the use of technological methods, systems, or tools including, but not  
44 limited to, sensors, cameras, device tracking, biometric monitoring,  
45 or other forms of observation or data collection, capable of gathering  
46 information about a consumer’s behavior, characteristics, location,  
47 or other personal attributes, whether in physical or digital  
48 environments.

1 “Surveillance data” means data that is related to the personal  
2 information, behavior, or biometrics of a consumer and includes data  
3 gathered, purchased, or otherwise acquired.

4 “Third-party grocery delivery platform” means a business entity,  
5 outside of the operation of a retail food store, that operates a website,  
6 mobile application, or digital platform that provides the service of  
7 facilitating, arranging, or enabling the purchase or delivery of  
8 groceries and other foodstuffs from a retail food store to a consumer.  
9

10 3. a. Except as provided in subsection b. of this section, it shall  
11 be considered an unlawful practice and a violation of P.L.1960, c.39  
12 (C.56:8-1 et seq.) for a retail food store or third-party grocery  
13 delivery platform to sell or offer for sale groceries and other  
14 foodstuffs or a service and charge different prices to different  
15 consumers for the same, or a substantially similar, product or service  
16 using, informed by, or based on, in whole or in part, surveillance-  
17 based price setting through the use of surveillance data collected  
18 from consumers.

19 b. (1) For purposes of this act, the following shall not be  
20 considered surveillance-based price setting if the conditions of  
21 paragraph (2) of this subsection are met:

22 (a) a difference in price that is based solely on reasonable costs  
23 associated with providing the product or service to different  
24 consumers;

25 (b) a bona fide discount that is offered to any member of a broadly  
26 defined group including teachers, active duty personnel, veterans,  
27 senior citizens, or students; or

28 (c) a bona fide discount that is offered to any consumer who  
29 affirmatively and knowingly enrolls in a loyalty program.

30 (2) A retail food store or third-party grocery delivery platform  
31 shall not be in violation of subsection a. of this section if any:

32 (a) basis for a difference in reasonable costs associated with  
33 providing a product or service to different consumers is disclosed to  
34 the consumer prior to purchase;

35 (b) eligibility conditions or criteria for receiving or earning a  
36 bona fide discount are clearly and conspicuously disclosed;

37 (c) bona fide discount is offered uniformly to any consumer who  
38 meets the disclosed eligibility conditions or criteria;

39 (d) surveillance data used solely to offer or administer a bona fide  
40 discount is not used for any other purpose, including profiling,  
41 targeted advertising, or individualized price setting; and

42 (e) loyalty program that allows a user to accrue and exchange  
43 points, credits, or any similar nonmonetary system of value for a  
44 product or service does not charge a different price for those points,  
45 credits, or similar nonmonetary system of value to different  
46 consumers for the same or substantially similar product or service.

1       4. a. A retail food store shall not use an electronic shelving label  
2 to display the product and pricing information of groceries and other  
3 foodstuffs.

4       b. A retail food store shall use a method that allows for a non-  
5 digital presentation of price for groceries and other foodstuffs. If a  
6 single sign or tag does not provide the unit price information of  
7 groceries and other foodstuffs for more than one brand or size, then  
8 the following information for each product shall be provided by a  
9 retail food store the:

10       (1) identity;

11       (2) brand name;

12       (3) quantity of the packaged product if more than one package size  
13 per brand is displayed;

14       (4) total sale price; and

15       (5) price per appropriate unit.

16       c. When a non-digital presentation of price provides unit price  
17 information for groceries and other foodstuffs, the non-digital  
18 presentation of price shall be centrally located as close as practical to  
19 all products to which the non-digital presentation of price refers, and  
20 the unit price information displayed thereon shall be presented in a  
21 clear, distinct, and non-deceptive manner.

22       d. A violation of the provisions of this section shall be an  
23 unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.).  
24

25       5. If the Attorney General has reason to believe that the interest  
26 of the residents of this State has been or is threatened or adversely  
27 affected by an act or practice of a retail food store or third-party  
28 grocery delivery platform in violation of subsection a. of section 3 or  
29 section 4 of this act, or a regulation promulgated pursuant to section  
30 7 of this act, the Attorney General may bring a civil action on behalf  
31 of the residents of this State in any court of competent jurisdiction  
32 to:

33       a. enjoin the act or practice;

34       b. enforce compliance with the provisions of this act;

35       c. obtain for each violation, in addition to any other penalty  
36 provided by law, actual monetary damages incurred from the  
37 violation or \$3,000, whichever is greater; or

38       d. obtain, for each violation, any other restitution, penalty, or  
39 relief the court may deem appropriate.  
40

41       6. a. A consumer who has been aggrieved by a retail food store  
42 or third-party grocery delivery platform by an act or practice in  
43 violation of subsection a. of section 3 or section 4 of this act, or a  
44 regulation promulgated pursuant to section 7 of this act, may bring a  
45 civil action against that retail food store or third-party grocery  
46 delivery platform in any court of competent jurisdiction to:

47       (1) enjoin the violation;

1 (2) obtain for each violation, in addition to any other restitution  
2 provided by law, actual monetary damages incurred from the  
3 violation or \$3,000, whichever is greater; or

4 (3) obtain, for each violation, any other restitution, penalties, or  
5 relief the court may deem appropriate.

6 b. If a court finds, based on a civil action against a retail food  
7 store or third-party grocery delivery platform pursuant to subsection  
8 a. of this section, that the defendant acted willfully in committing an  
9 act in violation of subsection a. of section 3 or section 4 of this act,  
10 or a regulation promulgated pursuant to section 7 of this act, the court  
11 may, in its discretion, increase the amount of the award to an amount  
12 equal to not more than three times the amount provided under  
13 paragraph (2) of subsection a. of this section.

14 c. In any proceeding commenced pursuant to subsection a. of  
15 this section, the defendant shall be presumed to be in violation of  
16 subsection a. of section 3 of this act if the plaintiff can demonstrate  
17 that:

18 (1) two or more consumers were offered different prices by the  
19 defendant for the same, or a substantially similar, product or service  
20 during the same, or a substantially similar, period of time; or

21 (2) one consumer was offered different prices by the defendant  
22 for the same, or a substantially similar, product or service during the  
23 same, or a substantially similar, period of time while using different  
24 means of viewing the price.

25 d. In any proceeding commenced pursuant to subsection a. of  
26 this section, the defendant may rebut the presumption described in  
27 paragraphs (1) and (2) of subsection c. of this section by  
28 demonstrating that the alleged difference in price was:

29 (1) not informed, in whole or in part, by surveillance data; or

30 (2) fully explained by the exceptions set forth in subsection b. of  
31 section 3 of this act.

32 e. The court shall award to a prevailing plaintiff in an action  
33 under this section the litigation costs of the action and reasonable  
34 attorney's fees, as determined by the court.

35 f. An action may be commenced under this section not later than  
36 five years after the date on which the consumer first discovered or  
37 had a reasonable opportunity to discover the violation.

38 g. Bringing a civil action under this section shall be in addition  
39 to any other remedy available to the consumer bringing the civil  
40 action.

41

42 7. The Director of the Division of Consumer Affairs shall,  
43 pursuant to the provisions of the "Administrative Procedure Act,"  
44 P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and  
45 regulations necessary to effectuate the provisions of this act.

46

47 8. This act shall take effect on the first day of the seventh month  
48 next following the date of enactment, except that the Director of the

1 Division of Consumer Affairs may take any anticipatory  
2 administrative action in advance as shall be necessary for the  
3 implementation of this act.

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5

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STATEMENT

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8 This bill establishes the “Fair Price Protection Act.”

9 Under the bill, a retail food store or third-party grocery delivery  
10 platform is prohibited from selling or offering for sale groceries and  
11 other foodstuffs or a service and charging different prices to different  
12 consumers for the same, or a substantially similar, product or service  
13 using, informed by, or based on, in whole or in part, surveillance-  
14 based price setting through the use of surveillance data collected  
15 from consumers.

16 The bill defines “surveillance-based price setting” as offering or  
17 setting a customized price for a product or service for a specific  
18 consumer or group of consumers based on information collected  
19 through electronic surveillance technology, including sensors,  
20 cameras, device tracking, biometric monitoring, or other forms of  
21 observation or data collection capable of gathering information about  
22 a consumer’s behavior, characteristics, location, or other personal  
23 attributes.

24 Under the bill, it is not considered surveillance-based price setting  
25 if the difference in price for a product or service is: based solely on  
26 reasonable costs associated with providing the product or service to  
27 different consumers; a bona fide discount offered to broadly defined  
28 groups such as teachers, active duty personnel, veterans, senior  
29 citizens, or students; or a bona fide discount offered to a consumer  
30 who affirmatively and knowingly enrolls in a loyalty program. These  
31 differences in price are allowed provided that: eligibility conditions  
32 are clearly and conspicuously disclosed; discounts are offered  
33 uniformly to consumers who meet the criteria; surveillance data used  
34 solely to administer a bona fide discount is not used for any other  
35 purpose; and loyalty programs do not charge different prices for  
36 points or similar nonmonetary value for the same or substantially  
37 similar product or service.

38 Additionally, under the bill, a retail food store is prohibited from  
39 using electronic shelving labels to display product and pricing  
40 information of groceries and other foodstuffs and instead is required  
41 to use a method that allows for a non-digital presentation of price.

42 The Attorney General may bring a civil action to enjoin an act or  
43 practice that is in violation of the provision of this bill, enforce  
44 compliance, and obtain actual monetary damages incurred from the  
45 violation or \$3,000, whichever is greater, as well as any other  
46 restitution, penalties, or relief the court may deem appropriate. A  
47 consumer who has been aggrieved by an act or practice that is in  
48 violation of the provision of this bill may also bring a civil action for

1 the same relief. However, if the court finds that a defendant acted  
2 willfully, the court may increase the consumer's award up to three  
3 times the amount provided.

4 The bill establishes a reputable presumption that there is a  
5 violation of the bill's provisions if consumers are offered different  
6 prices for the same or substantially similar product or service during  
7 the same or substantially similar period of time. Additionally, the bill  
8 requires the court to award litigation costs and reasonable attorney's  
9 fees to a prevailing plaintiff. The bill also requires an action to be  
10 brought within five years of discovery of the violation.

11 A violation of the bill's provisions is an unlawful practice under  
12 the consumer fraud act, punishable by a monetary penalty of not more  
13 than \$10,000 for a first offense and not more than \$20,000 for any  
14 subsequent offense. In addition, violations may result in cease and  
15 desist orders issued by the Attorney General, the assessment of  
16 punitive damages, and the awarding of treble damages and costs to  
17 the injured party.