1   STATE OF OKLAHOMA

2   2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3959   By: Munson

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6   AS INTRODUCED

7   An Act relating to technology; creating the
         Protecting Consumers and Jobs from Predatory Pricing
8   Act; providing definitions; directing food retail
         establishments that use personalized algorithmic
9   pricing using specific consumer data to make
         disclosure to consumers; prohibiting the use of
10   electronic shelving labels by large food retailers;
         clarifying what is not limited; prohibiting the use
11   of electronic shelving labels for personalized
         algorithmic pricing or surveillance pricing;
12   prohibiting food retail establishments from engaging
         in personalized algorithmic pricing or surveillance
13   pricing; prohibiting the collecting data of minors
         for targeted advertising or personalized algorithmic
14   pricing; prohibiting food retail establishments from
         using protected class data in setting prices;
15   providing exemptions; permitting the attorney general
         to enforce act; creating civil penalties;
16   establishing a private right of action; providing for
         codification; and providing an effective date.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20   SECTION 1.   NEW LAW   A new section of law to be codified

21 in the Oklahoma Statutes as Section 500 of Title 75A, unless there

22 is created a duplication in numbering, reads as follows:

23   This act shall be known and may be cited as the "Protecting

24 Consumers and Jobs from Predatory Pricing Act".

1   SECTION 2.   NEW LAW   A new section of law to be codified

2 in the Oklahoma Statutes as Section 501 of Title 75A, unless there

3 is created a duplication in numbering, reads as follows:

4   As used in this act:

5   1. "Algorithm" means a computational process that uses a set of

6 rules to define a sequence of operations including but not limited

7 to artificial intelligence (AI) systems and facial recognition

8 software;

9   2. "Clear and conspicuous disclosure" means disclosure in the

10 same medium as, and provided on, at, or near and contemporaneous

11 with every advertisement, display, image, offer, or announcement of

12 a price for which notice is required, using lettering and working

13 that is easily visible and understandable to the average consumer;

14   3. "Consumer" means a natural person who is seeking or

15 solicited to purchase, lease, or receive a good or service not for

16 resale in the ordinary course of the natural person's trade or

17 business, but for personal, family, or household use;

18   4. "Consumer data" means any data that identifies or could

19 reasonably be linked, directly or indirectly, with a specific

20 natural person or device, excluding location data;

21   5. "Dynamic and surveillance pricing" means pricing that

22 fluctuates dependent on conditions where algorithmic or AI models

23 retrain or recalibrate on information in near real time, excluding

24 promotional pricing offers, loyalty program benefits or other

1 temporary discounts or changes to pricing related to retention of

2 existing customers;

3   6. "Electronic shelving labels" (ESLs) means electronic and

4 wireless paper (E-paper) displays that present product and pricing

5 information;

6   7. "Food Retail Establishment" means a retail store that is

7 either:

8   a.   over fifteen thousand (15,000) square feet in size and

9   sells primarily household foodstuff for offsite

10   including fresh produce, meats, poultry, fish, deli

11   products, dairy products, canned foods, dry foods,

12   beverages, baked foods, and prepared foods, other

13   household supplies or products are secondary to the

14   primary purpose of food sales; or

15   b.   over eighty-five thousand (85,000) square feet and

16   with ten percent (10%) of their sales floor area

17   dedicated to the sale of nontaxable merchandise

18   including the sale of fresh produce, meats, poultry,

19   fish, deli products, dairy products, canned foods, dry

20   foods, beverages, baked foods, and prepared foods.

21   "Surveillance pricing" means offering or setting a

22   customized price for a good or service for a specific

23   consumer or group of consumers, based, in whole or in

24   part, on covered information collected through

1 electronic surveillance technology. Surveillance

2 pricing includes the use of technological methods,

3 systems, or tools, including, but not limited to,

4 sensors, cameras, device tracking, biometric

5 monitoring, or other forms of observation or data

6 collection, that are capable of gathering covered

7 information about a consumer's behavior,

8 characteristics, location, or other personal

9 attributes, whether in physical or digital

10 environments;

11 8. "Non-digital presentation of price" means:

12 a. a sign which offers the unit price for one or more

13 brands or sizes of a given commodity,

14 b. a sticker, stamp, sign, label, or tag, affixed to the

15 shelf upon which the commodity is displayed, and

16 c. a sticker, stamp, sign, label, or tag, affixed to the

17 consumer commodity itself. If a single sign or tag

18 does not provide the unit price information for more

19 than one brand or size of a given commodity, then the

20 following information shall be provided:

21 (1) the identity,

22 (2) the brand name,

23 (3) the quantity of the packaged commodity if more

24 than one package size per brand is displayed,

1   (4)   the total sale price, and

2   (5)   the price per appropriate unit. Where a sign

3   providing unit price information for one or more

4   sizes or brands of a given commodity is used, the

5   sign shall be located centrally as close as

6   practical to all items to which the sign refers,

7   and the unit price information displayed thereon

8   shall be presented in a clear, distinct, and

9   nondeceptive manner;

10   9.   "Personalized algorithmic pricing" means dynamic pricing and

11 surveillance pricing derived from or set by an algorithm that uses

12 consumer data which may vary among consumers or groups of consumers;

13   10.   "Person" means any human being or individual;

14   11.   "Protected class data" means information about an

15 individual person or groups of people that directly, in combination,

16 or by implication identifies a characteristic that is legally

17 protected from discrimination under the laws of this state or under

18 federal law, including but not limited to ethnicity, national

19 origin, age, disability, sex, sexual orientation, gender identity

20 and expression, pregnancy outcomes and reproductive health care.

21   SECTION 3.   NEW LAW   A new section of law to be codified

22 in the Oklahoma Statutes as Section 502 of Title 75A, unless there

23 is created a duplication in numbering, reads as follows:

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A. Any food retail establishment who knowingly advertises, promotes, labels, or publishes a statement, display, image, offer, or announcement that uses personalized algorithmic pricing using consumer data specific to a particular consumer is required to provide a clear and conspicuous disclosure to consumers that "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

B. In food retail establishments larger than fifteen thousand (15,000) square feet the use of ESLs or any digital shelf display technology shall be prohibited and a non-digital presentation of price shall be used. This prohibition does not limit any food retail establishment and any business to provide consumers, based on previous purchase history, a discount, promotional price, or loyalty program benefit.

C. The use of ESLs or any digital shelf display technology to display personalized algorithmic pricing or surveillance pricing is prohibited.

D. It is unlawful, for any reason, for any food retail establishment to engage in personalized algorithmic pricing or surveillance pricing.

E. Data of minors under seventeen (17) years of age shall not be collected or used for targeted advertising or personalized algorithmic pricing under any circumstances.

1   F. No food retail establishment shall use protected class data

2 in setting a price for, offering, marketing, or selling any good or

3 service if any of the following are true:

4   1. The use of that data has the effect of withholding or

5 denying any of the accommodations, advantages, and privileges

6 accorded to others; and

7   2. The price for such good or service is different from the

8 price offered to other individuals or groups based in whole or in

9 part on the use of protected class data.

10   G. Nothing in this act shall apply to financial services,

11 including but not limited to financial institutions, financial

12 institution affiliates, broker-dealers, registered investment

13 advisors, and entities that provide consumer credit products such as

14 credit cards, personal loans, and mortgages.

15   H. Nothing in this act shall apply to any insurer licensed,

16 regulated, or otherwise authorized to do business in the state of

17 Oklahoma under the insurance law, including any persons, agents, or

18 affiliates acting on behalf of such insurer.

19   SECTION 4.   NEW LAW   A new section of law to be codified

20 in the Oklahoma Statutes as Section 503 of Title 75A, unless there

21 is created a duplication in numbering, reads as follows:

22   A. Whenever there shall be a violation of any portion of this

23 act, an application may be made by the Attorney General in the name

24 of the people of the State of Oklahoma to a court or justice having

1 jurisdiction to issue an injunction, and upon notice to the

2 respondent of not less than five (5) days, to enjoin and restrain

3 the continuance of such violations: and if it shall appear to the

4 satisfaction of the court or justice that the respondent has, in

5 fact, violated any portion, an injunction may be issued by such

6 court or justice, enjoining and restraining any further violation,

7 without requiring proof that any person has, in fact, been injured

8 or damaged thereby.

9 B. Whenever the court shall determine that a violation of any

10 portion of this act has occurred, the court may impose a civil

11 penalty of not more than Seven Thousand Five Hundred Dollars

12 ($7,500.00) for each violation. In connection with any such

13 application, the Attorney General is authorized to take proof and

14 make a determination of the relevant facts and to issue subpoenas in

15 accordance with the civil practice law and rules.

16 C. In addition to any other remedies provided in this act, any

17 person aggrieved by a violation of this act is entitled to bring an

18 action in a court of appropriate jurisdiction. Nothing in this

19 section shall in any way limit rights or remedies which are

20 otherwise available under law to the Attorney General or any other

21 person authorized to bring an action under this act.

22 SECTION 5. This act shall become effective November 1, 2026.

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24 60-2-15033   MJ   12/18/25