

SENATE No. 2515

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, May 12, 2025.

The committee on Advanced Information Technology, the Internet and Cybersecurity to whom was referred the petition (accompanied by bill, Senate, No. 47) of Michael O. Moore for legislation to prohibit surveillance pricing based on the biometric data of individuals collected on the premises of a food store and food department, report the accompanying bill (Senate, No.2515).

For the committee,
Michael O. Moore

SENATE No. 2515

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**In the One Hundred and Ninety-Fourth General Court
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An Act relative to surveillance pricing in grocery stores.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended by adding the following section:-

2 Section 330. (a) As used in this section, the following words shall, unless the context
3 otherwise requires, have the following meanings: —

4 “Biometric data”, any data generated by automatic measurements of an individual’s
5 biological characteristics, such as a faceprint, fingerprint, a voiceprint, eye retinas, irises, gait, or
6 other unique biological patterns or characteristics that can be used to identify a specific
7 individual.

8 "Food department", any seller, other than a food store, with any grocery item section, area
9 or display which sells 100 or more different food items for consumption off the seller's premises,
10 at least in part to, individuals for personal, family or household use.

11 "Food store", any store, shop, supermarket, grocer, convenience store, warehouse club or
12 other seller, whose primary business is selling either food for consumption off the seller's

13 premises alone or in combination with grocery items or other nondurable items typically found in
14 a supermarket, and such items are sold at least in part to individuals own personal, family or
15 household use.

16 "Item", a specific and distinct product, good or commodity available for sale having a
17 different universal product code or SKU for other items so coded; provided, that for items not so
18 coded, an item having any distinguishing characteristics compared to another item.

19 "Operator", the owner of a food department or food store.

20 (b) Food stores and food departments shall be prohibited from suggesting items or
21 adjusting the prices of any item in the food store and food department directly or indirectly based
22 on the biometric data of individuals collected on the premises of a food store and food
23 department.

24 This subsection does not prohibit food stores and food departments from allowing a
25 customer to use biometric data solely to voluntarily verify their identity at the point of sale;
26 provided, however, that such biometric data is used solely for identity verification purposes.

27 (c) Any violation by an operator of this chapter constitutes an injury to that individual
28 and shall be deemed an unfair or deceptive act or practice in the conduct of trade or commerce
29 under chapter 93A, provided that if the court finds for any petitioner, subject to paragraph (3) of
30 section 9 of such chapter, recovery under such chapter shall be in the amount of actual damages
31 or \$5,000, whichever is higher.