

SENATE No. 47

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to surveillance pricing in grocery stores.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No. 47

By Mr. Moore, a 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. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

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

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” means data generated by automatic measurements of an individual's
5 biological characteristics, such as a fingerprint, a voiceprint, eye retinas, irises, gait, or other
6 unique biological patterns.

7 “Biometric data” does not include:

8 (A) a digital or physical photograph,

9 (B) an audio or video recording, or

(C) any data generated from a digital or physical photograph, or an audio or video recording.

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

"Food store", any store, shop, supermarket, grocer, convenience store, warehouse club or other seller, whose primary business is selling either food for consumption off the seller's premises alone or in combination with grocery items or other nondurable items typically found in a supermarket, and such items are sold at least in part to individuals own personal, family or household use.

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

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

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

(c) Notwithstanding Section 330(b), food stores and food departments may use biometrics to allow customers to voluntarily verify their identity at the point of sale.

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