SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4711

(SENATE AUTHORS: PORT, Klein, Maye Quade, McEwen and Champion)

DATE	D-PG	OFFICIAL STATUS
03/23/2026	6909	Introduction and first reading Referred to Commerce and Consumer Protection
03/25/2026	6994	Author added Champion

A bill for an act

relating to consumer protection; prohibiting predatory pricing; proposing coding for new law in Minnesota Statutes, chapter 325D.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325D.141] FOOD RETAIL ESTABLISHMENTS; PROHIBITION ON SURVEILLANCE PRICING.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Algorithm" means a computational process that uses a set of rules to define a sequence of operation, including but not limited to artificial intelligence systems and facial-recognition software.

(c) "Consumer" means an individual who purchases goods from a food retail establishment for personal, family, or household use.

(d) "Consumer data" means any data that identifies or could reasonably be directly or indirectly linked to a specific device. Consumer data excludes location data.

(e) "Electronic shelving labels" means individual electronic or wireless paper displays that present product and pricing information.

(f) "Food retail establishment" means a retail store that:

(1) is over 10,000 square feet in size and primarily sells household foodstuff for off-site use, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods; or

(2) is over 85,000 square feet in size and dedicates at least ten percent of the store's sales floor area to the sale of foodstuff, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods.

(g) "Personalized algorithmic pricing" means surveillance pricing derived from or set by an algorithm that uses consumer data that may vary among consumers or groups of consumers.

(h) "Protected class data" means information about an individual or group that directly, in combination, or by implication identifies a characteristic that is legally protected from discrimination under state or federal law, including but not limited to ethnicity, national origin, age, disability, sex, sexual orientation, gender identity and expression, pregnancy outcomes, and reproductive health care.

(i) "Surveillance pricing" means offering or setting a customized price for a good for a specific consumer or group of consumers based in whole or in part on consumer data collected through electronic surveillance technology. Surveillance pricing includes the use of technological methods, systems, or tools, including but not limited to sensors, cameras, device tracking, biometric monitoring, or other forms of observation or data collection, that are capable of gathering covered information about a consumer's behavior, characteristics, location, or other personal attributes, whether in physical or digital environments.

Subd. 2. **Predatory pricing prohibited.** A food retail establishment must not:

(1) use electronic shelving labels;

(2) engage in personalized algorithmic pricing or surveillance pricing;

(3) collect data on individuals under 17 years of age; or

(4) use protected class data to set a price for, offer, market, or sell a good if the:

(i) use of the data has the effect of withholding or denying an accommodation, advantage, or privilege accorded to others; or

(ii) price for the good is different from the price offered to other individuals or groups based in whole or in part on the use of protected class data.

Subd. 3. **Exclusions.** Nothing in this section:

(1) prohibits a food retail establishment from providing consumers a discount, promotional price, or loyalty program benefit based on previous purchase history;

(2) applies to financial services, including but not limited to state or federally chartered banks, credit unions, and trust companies; mortgage loan originators; broker-dealers; or investment advisors; and

(3) applies to an insurer licensed or authorized to do business in Minnesota.