Minnesota Farmers Union

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April 16, 2026

Chair Matt Klein
Senate Commerce and Consumer Protection Committee
Capitol G15
St. Paul, MN 55155

Re: MFU support for prohibiting surveillance pricing

Dear Chair Klein and Committee members:

On behalf of Minnesota Farmers Union (MFU), I write to share our concerns with not including a prohibition on surveillance pricing in your omnibus bill (SF4365). We believe that at a time when Minnesotans are being squeezed by the rising cost of living, limiting the use of new technologies to gouge consumers is an important way to address one of the root causes of our affordability crisis, the unfair pricing strategies being employed across the economy.

MFU is a grassroots organization that has represented Minnesota's family farmers, ranchers and rural communities since 1918. MFU was formed as farmers were fighting to ensure they received a fair price for what they produced, but the work in Minnesota to ensure fair pricing dates back even further. In the 1870s Minnesota legislators passed laws to address personalized and discriminatory railroad prices.

That same era produced the price tag, establishing the uniform pricing consumers have come to expect and that is key to a fair and democratic economy. Polling from the economic think tank Groundwork Collaborative finds that 83% of Americans believe that businesses should charge all customers the same price for the same item.[i]

Surveillance pricing threatens to undermine fairness by using opaque and predatory pricing strategies that undermine consumer liberty and price transparency, leading to higher costs on Minnesota families. Legislation like Senator Port's bill (SF4199) banning surveillance pricing in grocery is an opportunity for the legislature to get out ahead of an anticompetitive practice that will thrive in what writer Cory Doctorow calls the "vast underground empire of nonconsensual data-harvesting."[ii]

Some surveillance pricing companies have boasted about their ability to predict things like when you will get paid, suggesting a future where payday also means higher prices.[iii] Earlier this year Google announced its move to integrate its AI platform Gemini into retail (Gemini Enterprise for Customer Experience) including a service called "direct offers" where businesses will pay to allow Google to set prices when it makes recommendations.[iv]

It is not hard to see how a monopolist like Google with its dominance over search and advertising could turn this into a system of kickbacks and tacit collusion to the determinant of consumers and independent businesses. All of this serves to create a marketplace where there are no true prices, which is the foundation of a fair, transparent and functioning market economy. Without a fixed

public price, discounts become a tool for ubiquitous price discrimination using people's personal data to gouge them.

While Senator Port's bill was focused on protecting Minnesotans shopping for groceries, farmers and small business owners could be impacted by this practice as well. What might powerful seed, fertilizer or pesticide companies do with an AI price-setting tool and troves of farmer data? What might suppliers and large retailers that are already engaged in the anticompetitive practice of price discrimination – charging different retailers different prices for the same goods – do with AI tools that can supercharge that practice?

In competitive markets surveillance pricing would not be nearly as attractive a strategy, but in consolidated markets this is a powerful mechanism for gouging buyers. Unfortunately, three-quarters of industries have become more consolidated since the 1990s, the economy as a whole has grown 50% more consolidated since 2005 and at the current rate of consolidation we will have just one company per industry by 2075.[v]

Thank you for your work on this issue and as SF4365 moves forward, we hope the committee will consider addressing surveillance pricing. If you have any questions, please contact our Antimonopoly Director, Justin Stofferahn, at justin@mfu.org or (612) 594-1252 (C). Thank you for considering the needs and perspectives of Minnesota's farm families.

Sincerely,



Gary Wertish
President, Minnesota Farmers Union

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[i] https://groundworkcollaborative.org/news/icymi-groundworks-owens-breaks-down-how-surveillance-pricing-rips-off-consumers/

[ii] https://doctorow.medium.com/https-pluralistic-net-2024-06-05-your-price-named-privacy-first-again-1ccb334a9fa5

[iii] https://prospect.org/2024/06/04/2024-06-04-one-person-one-price/

[iv] https://cloud.google.com/transform/a-new-era-agentic-commerce-retail-ai

[v] https://mfu.org/wp-content/uploads/2024/12/Antimonopoly-Fact-Sheet-updated-for-2025.pdf