

1 [Supporting California State Assembly Bill No. 2564 (Ward) - Prohibiting Surveillance Pricing]

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3 **Resolution supporting California State Assembly Bill No. 2564, authored by Assembly**
4 **Member Chris Ward, and co-authored by Assembly Member Ash Kalra, which would**
5 **add Sections 7200 and 7201 to Division 4 of the California Civil Code, prohibiting**
6 **retailers from engaging in surveillance pricing.**
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8 WHEREAS, Retailers are now using personally identifiable consumer data to charge
9 some consumers discriminatory prices in what is being called “surveillance pricing”; and

10 WHEREAS, Consumers’ characteristics and behaviors, like location, demographics,
11 browsing patterns, mouse movements on webpages, and shopping history, are now being
12 used against them to help corporations set individualized prices for products and services;
13 and

14 WHEREAS, A December 2025 investigation by Consumer Reports and partners found
15 that Instacart had been experimenting with surveillance pricing on California residents,
16 charging one Instacart shopper as much as 23% higher than another; and

17 WHEREAS, A February 2025 SF Gate investigation found that the most popular hotel
18 booking sites show prices substantially higher—in one case, \$500 more per night for a
19 Manhattan hotel—to San Franciscans using their online booking platforms compared with
20 users browsing from less affluent cities, like Phoenix and Kansas City; and

21 WHEREAS, No existing federal or state law prohibits companies from using the data
22 they collect to charge consumers individually different prices; and

23 WHEREAS, California State Assembly Bill No. 2564 (AB 2564) protects sensible and
24 transparently offered discounts including for loyalty programs; now, therefore, be it
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1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
2 encourages timely adoption of AB 2564 to protect consumers from surveillance pricing; and,
3 be it

4 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
5 of the Board to transmit a copy of this Resolution upon passage to the Governor of California,
6 the President pro Tempore of the California State Senate, the Speaker of the California State
7 Assembly, Assembly Members Chris Ward and Ash Kalra, and San Francisco's State
8 legislative delegation.