

AMENDED IN SENATE JUNE 24, 2026

AMENDED IN ASSEMBLY APRIL 16, 2026

AMENDED IN ASSEMBLY MARCH 23, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2564

**Introduced by Assembly Member Ward
(Coauthor: Assembly Member Kalra)**

February 20, 2026

An act to add Part 5.6 (commencing with Section 7200) to Division 4 of the Civil Code, relating to consumer protection.

LEGISLATIVE COUNSEL’S DIGEST

AB 2564, as amended, Ward. Surveillance pricing.

Existing law, the California Consumer Privacy Act of 2018 (CCPA), grants a consumer various rights with respect to personal information that is collected or sold by a business, as defined, including the right to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer’s personal information, as specified. Existing law, the California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA and establishes the California Privacy Protection Agency and vests the agency with full administrative power, authority, and jurisdiction to enforce those provisions.

Existing law requires a retail grocery store or grocery department within a general retail merchandise store that uses a point-of-sale system to have a clearly readable price indicated on 85% of the total number

of packaged consumer commodities offered for sale, subject to specified exemptions.

This bill would, subject to certain exceptions, prohibit a retailer from engaging in surveillance pricing. The bill would define “surveillance pricing” to mean offering or setting a customized price for a good for a specific consumer or group of consumers, based, in whole or in part, on personally identifiable information collected through electronic surveillance technology, as specified. ~~The bill would provide that only a public prosecutor, as specified, may bring an action against a violator of these provisions to recover specified civil penalties, injunctive relief, and reasonable attorney’s fees and costs, and would authorize a consumer to bring an action for injunctive relief and reasonable attorney’s fees and costs.~~ The bill would declare that any waiver of these provisions is against public policy and is void and unenforceable.

This bill would declare that its provisions further the purposes and intent of the California Privacy Rights Act of 2020.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 5.6 (commencing with Section 7200) is
2 added to Division 4 of the Civil Code, to read:

3

4 PART 5.6. SURVEILLANCE PRICING

5

6 7200. For purposes of this part, the following definitions apply:

7 (a) “Discounted price” means a price that is verifiably lower
8 than the widely available and publicly disclosed bona fide market
9 price.

10 (b) “Electronic surveillance technology” includes the use of
11 technological methods, systems, or tools, including, but not limited
12 to, sensors, cameras, device tracking, or biometric monitoring, that
13 are capable of gathering personally identifiable information about
14 a consumer’s behavior, characteristics, location, or other personal
15 attributes, whether in physical or digital environments.

16 (c) “Personally identifiable information” shall have the same
17 meaning as “personal information” as defined in paragraph (1) of
18 subdivision (v) of Section 1798.140 of the Civil Code and any
19 regulations promulgated thereunder.

1 (d) “Retailer” shall have the same meaning as that term is
2 defined in Section 6015 of the Revenue and Taxation Code.

3 (e) (1) “Surveillance pricing” means offering or setting a
4 customized price for a good for a specific consumer or group of
5 consumers, based, in whole or in part, on personally identifiable
6 information collected through electronic surveillance technology,
7 including personally identifiable information collected through
8 electronic surveillance technology that is gathered, purchased, or
9 otherwise acquired from a third party.

10 (2) “Surveillance pricing” does not include a discounted price
11 offered to a consumer terminating or taking steps to terminate a
12 service or membership with a person, but does include offering
13 random variations in prices to different customers using a website,
14 mobile application, or comparable online technology.

15 ~~7202.~~

16 7201. (a) Except as provided in subdivision (b), a retailer shall
17 not engage in surveillance pricing.

18 (b) A retailer does not engage in surveillance pricing if ~~either~~
19 *any of the following apply:*

20 (1) The difference in price is based solely on costs associated
21 with providing the good to different consumers.

22 (2) *The discounted price is publicly available and automatically*
23 *applied to all relevant purchases.*

24 ~~(2) (A)~~

25 (3) The retailer offers a discounted price ~~that complies with the~~
26 ~~requirements of subparagraph (B) and any~~ *based, in whole or in*
27 *part, on personally identifiable information collected through*
28 *electronic surveillance technology and all of the following apply:*

29 (A) *A discounted price is offered pursuant to any of the*
30 *following:*

31 (i) ~~A discounted price is offered based~~ *Based* on publicly
32 disclosed eligibility criteria that any consumer could potentially
33 meet, including, but not limited to, signing up for a mailing list,
34 providing personal information registering for promotional
35 communications, or participating in a promotional event. The terms
36 and criteria for receiving the discounted price shall be conveyed
37 clearly and conspicuously disclosed in clear and prominent terms
38 in such a manner that an ordinary consumer would notice and
39 understand them.

1 (ii) ~~A discounted price is offered to~~ To members of a broadly
2 defined group, including, but not limited to, teachers, active or
3 retired military, senior citizens, students, or residents of a certain
4 area based on publicly disclosed eligibility criteria.

5 (iii) ~~A discounted price is offered through~~ Through a loyalty,
6 membership, or rewards program that consumers affirmatively
7 purchase or enroll in.

8 (B) ~~(i)~~ The current eligibility criteria, available discounts, and
9 any conditions for receiving or earning the discounted price shall
10 be clearly and conspicuously disclosed on the company's internet
11 website.

12 ~~(ii)~~

13 (C) The discounted price shall be ~~uniformly offered or~~ made
14 available to all consumers who meet the disclosed eligibility
15 criteria.

16 (4) *The retailer satisfies both of the following:*

17 (A) *The retailer is licensed pursuant to Section 11700 of the*
18 *Vehicle Code.*

19 (B) *The retailer communicates a total price in compliance with*
20 *Section 1784.41.*

21 ~~7204. (a) A retailer who violates this part shall be liable for~~
22 ~~the following penalties, upon a civil action brought by the Attorney~~
23 ~~General, a city attorney, or a county counsel, with each violation~~
24 ~~with respect to an individual consumer or transaction constituting~~
25 ~~a separate and distinct violation:~~

26 ~~(1) A civil penalty not to exceed twelve thousand five hundred~~
27 ~~dollars (\$12,500).~~

28 ~~(2) For a retailer that intentionally violates this part, a civil~~
29 ~~penalty no greater than three times the amount of the penalty~~
30 ~~assessed pursuant to paragraph (1) and all revenues earned from~~
31 ~~the violation.~~

32 ~~(b) A prevailing plaintiff in an action brought pursuant to this~~
33 ~~section shall be awarded reasonable attorney's fees and costs.~~

34 ~~(c) In addition to awarding civil penalties and other monetary~~
35 ~~relief, a court may award injunctive or declaratory relief as~~
36 ~~necessary to enforce this part and to remedy any violation of its~~
37 ~~provisions.~~

38 ~~(d) A consumer may bring an action for injunctive relief as~~
39 ~~necessary to enforce this part and to remedy any violation of its~~
40 ~~provisions.~~

1 ~~(e) A prevailing plaintiff in an action brought pursuant to this~~
2 ~~section shall be awarded reasonable attorney's fees and costs.~~

3 ~~7208.~~

4 ~~7202.~~ Any waiver of this part is against public policy and is
5 void and unenforceable.

6 ~~7209. The rights, remedies, and penalties established by this~~
7 ~~part are cumulative and shall not limit or diminish the rights,~~
8 ~~remedies, or penalties established under other laws, including, but~~
9 ~~not limited to, Chapter 6 (commencing with Section 12940) of~~
10 ~~Part 2.8 of Division 3 of Title 2 of the Government Code, or~~
11 ~~Section 51 or Title 1.81.5 (commencing with Section 1798.100)~~
12 ~~of Part 4 of Division 3 of this code.~~

13 SEC. 2. The Legislature finds and declares that this act furthers
14 the purposes and intent of the California Privacy Rights Act of
15 2020.