

File No. 260816

Committee Item No. _____
Board Item No. 70

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____
Board of Supervisors Meeting

Date: _____
Date: July 21, 2026

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| ☐ | ☒ | <u>AB 2564 02/20/26</u> |
| ☐ | ☒ | <u>CSAC / LCC Standing 07/14/26</u> |
| ☐ | ☐ | _____ |
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Prepared by: Calvin Ho
Prepared by: _____

Date: July 17, 2026
Date: _____

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

2
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.**

7
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
25

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.

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.

From: [Herrera, Ana \(BOS\)](#)
To: [BOS Legislation. \(BOS\)](#)
Cc: [Fielder, Jackie \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Chung Hagen, Sheila \(BOS\)](#); [Gaona, Sasha \(BOS\)](#)
Subject: D9 Fielder - Resolution - Supporting California State Assembly Bill No. 2564 (Ward)
Date: Tuesday, July 14, 2026 2:51:50 PM
Attachments: [Introduction Form - Fielder - Resolution - Supporting AB 2564.pdf](#)
[Resolution Supporting AB 2564.doc](#)
[20250AB2564_96.pdf](#)

Good afternoon,

Please see attached introduction form and resolution from Supervisor Fielder supporting AB 2564 (PDF of bill attached). Because this is For Adoption Without Committee Reference, I can confirm that these matters are routine, not contentious in nature, and of no special interest. As of today, the California State Association of Counties and the League of California Cities have not taken a formal position on this bill.

Please let me know if anything else is needed for introduction today.

Thank you,
Ana

Ana Herrera
Legislative Aide
Office of Supervisor Jackie Fielder
San Francisco Board of Supervisors, District 9
ana.herrera@sfgov.org

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☒ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☒ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Fielder

Subject:

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

Long Title or text listed:

Resolution supporting California State Assembly Bill No. 2564, authored by Assembly Member Chris Ward, and co authored by Assembly Member Ash Kalra, which would add Section 7200 and 7201 to Division 4 of the California Civil Code, prohibiting retailers from engaging in surveillance pricing.

Signature of Sponsoring Supervisor: [/s/ Jackie Fielder]