

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Apr 23, 2026
S.B. 835
PRINCIPAL CLERK

S

D

SENATE BILL DRS35368-NTa-11

Short Title: Surveillance Pricing Ban.

(Public)

Sponsors: Senator Grafstein (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE USE OF SURVEILLANCE PRICING FOR ESSENTIAL
3 GOODS AND SERVICES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 75-45. Surveillance pricing ban for essential goods and services.**

8 (a) Definitions. – As used in this section, the following definitions apply:

9 (1) Algorithmic pricing. – The use of computational automated processes to
10 collect consumers' personal data and set individualized prices for consumers
11 based on that personal data.

12 (2) Consumer. – A natural person who is seeking or has solicited to purchase,
13 lease, or receive a good or service for personal use.

14 (3) Essential goods and services. – Goods and services necessary to consumers'
15 health and safety, such as food, water, paper towels, toilet paper, home
16 cleaning products, toiletries, diapers, and feminine products.

17 (4) Personal data. – Information about a natural person gathered by a business,
18 including zip code, browsing history, device type, or income.

19 (5) Surveillance pricing. – The practice of varying the prices of consumer goods
20 or services within the same business day based on demand or other factors,
21 including the use of algorithmic pricing.

22 (b) Surveillance Pricing Ban. – Businesses selling essential goods and services in North
23 Carolina shall not engage in surveillance pricing.

24 (c) Exceptions. – For purposes of this section, the following shall not be considered a
25 violation of subsection (b) of this section:

26 (1) The use of promotional pricing offers, loyalty program benefits, or other
27 temporary discounts or changes to pricing related to retention of existing
28 customers.

29 (2) A difference in price based on objective costs attributable to providing
30 consumer goods or services to different consumers, such as difference in price
31 caused by shipping costs or taxes based on a consumer's location.

32 (3) Discounts provided to larger defined groups of consumers, such as discounts
33 for military veterans, active duty personnel, senior citizens, children, teachers,
34 or students.

35 (4) Price corrections resulting from a pricing error.

36 (5) Resetting a price following a system or network outage.



* D R S 3 5 3 6 8 - N T A - 1 1 *

1 (d) A violation of this section is an unfair trade practice under G.S. 75-1.1."

2 **SECTION 2.** There is appropriated from the General Fund to the Department of
3 Justice the sum of two hundred ten thousand seven hundred thirty-eight dollars (\$210,738) in
4 recurring funds beginning in the 2026-2027 fiscal year to be allocated to the Department of
5 Justice Legal Services Division to create two Attorney I positions to prosecute cases pursuant to
6 this act. There is appropriated from the General Fund to the Department of Justice the sum of
7 fifty thousand dollars (\$50,000) in nonrecurring funds for the 2026-2027 fiscal year for the
8 purpose of public education and implementation of this act.

9 **SECTION 3.** This act is effective October 1, 2026.