



Sen. Robert Peters

Filed: 2/24/2026

10400SB2255sam001

LRB104 08574 SPS 34745 a

1 AMENDMENT TO SENATE BILL 2255

2 AMENDMENT NO. _____. Amend Senate Bill 2255 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Protection from Surveillance Pricing Act.

6 Section 5. Definitions. As used in this Act:

7 "De-identified data" means data that does not identify and
8 cannot reasonably be used to infer information about, or
9 otherwise be linked to, an identified or identifiable
10 individual, or a device linked to the individual, if the
11 controller that possesses the data:

12 (1) takes reasonable physical, administrative, and
13 technical measures to ensure that the data cannot be
14 associated with an individual or be used to re-identify
15 any individual or device that identifies or is linked or
16 reasonably linkable to an individual;

1 (2) publicly commits to process the data only in a
2 de-identified fashion and not attempt to re-identify the
3 data; and

4 (3) contractually obligates any recipients of the data
5 to satisfy the requirements set forth in paragraphs (1)
6 and (2).

7 "Electronic shelf label" means a digital or electronic
8 display device that presents product and pricing information
9 to a consumer. "Electronic shelf label" includes a QR code
10 that directs a consumer to product and pricing information.

11 "Grocery store" means a retail establishment that
12 primarily sells grocery products, including fresh produce.

13 "Person" means a natural person or an entity, including,
14 but not limited to, a corporation, partnership, association,
15 trust, limited liability company, cooperative, or other
16 organization.

17 "Personal data" means any information, including unique
18 identifiers, that is linked or reasonably linkable, alone or
19 in combination with other information, to an identified or
20 identifiable individual or a device that identifies or is
21 linked or reasonably linkable to an individual. "Personal
22 data" does not include de-identified data.

23 "Surveillance pricing" means offering or setting a
24 customized price for goods or services for a specific consumer
25 or group of consumers based, in whole or in part, on personal
26 data. "Surveillance pricing" includes, but is not limited to,

1 the use of technological methods, systems, or tools, such as
2 sensors, cameras, device tracking, or other forms of
3 observation or data collection, that are capable of gathering
4 personal information about a consumer's behavior,
5 characteristics, location, or other personal attributes.
6 "Surveillance pricing" also includes offering random
7 variations in prices to different customers using a website,
8 mobile application, or comparable online technology.

9 Section 10. Ban on surveillance pricing.

10 (a) Except as provided in subsection (b), a person shall
11 not engage in surveillance pricing.

12 (b) A person does not engage in surveillance pricing if
13 the person can demonstrate that:

14 (1) The difference in pricing is based solely on
15 different costs associated with providing the goods or
16 services to different consumers.

17 (2) The difference in pricing is based on publicly
18 disclosed eligibility criteria that any consumer could
19 potentially meet, including, but not limited to, signing
20 up for a mailing list, registering for promotional
21 communications, or participating in a promotional event
22 and all differences in pricing and the terms and criteria
23 for receiving the differences in pricing are conveyed
24 clearly and conspicuously and are disclosed in clear and
25 prominent terms on the company's website in a manner that

1 an ordinary consumer would understand.

2 (3) The difference in pricing is offered or provided
3 to a commonly understood social grouping, such as
4 teachers, veterans, senior citizens, or students, if:

5 (A) all the differences in pricing and the terms
6 and criteria for receiving the differences in pricing
7 are publicly available, are conveyed clearly and
8 conspicuously on the company's website, and are
9 disclosed in a manner that an ordinary consumer would
10 understand; and

11 (B) any consumer can obtain the difference in
12 price if the consumer can demonstrate that the
13 consumer is part of the group.

14 (4) The difference in pricing is offered as part of a
15 loyalty, membership, or rewards program if:

16 (A) the price difference is available to any
17 consumer in the loyalty, membership, or rewards
18 program who meets the terms, eligibility criteria, or
19 conditions and prices are not individualized for
20 consumers as part of the program;

21 (B) current discounts, promotions, rewards, or any
22 other benefits provided to loyalty program members are
23 disclosed clearly and conspicuously on equal terms on
24 the company's website in a manner that an ordinary
25 consumer would understand; and

26 (C) any loyalty, membership, or rewards program

1 that allows a user to accrue and exchange points,
2 credits, or any similar nonmonetary system of value
3 for a product or service does not charge a different
4 price for those points, credits, or similar
5 nonmonetary system of value to different consumers for
6 the same or substantially similar product or service.

7 (5) The person operates as an insurer licensed or
8 regulated or legally authorized to do business in this
9 State or any excess lines insurer, including any persons
10 acting on behalf of the insurer.

11 (6) The person can demonstrate that a refusal to
12 extend credit at specific terms or the refusal to enter
13 into a transaction with a specific consumer is based on
14 data provided in a consumer report covered by the federal
15 Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

16 Section 15. Ban on electronic shelf labels. An operator of
17 a grocery store larger than 10,000 square feet shall not:

18 (1) use an electronic shelf label or any digital price
19 display technology in a grocery store; or

20 (2) use a digital representation of the price of each
21 item for sale at a grocery store.

22 Section 20. Violations.

23 (a) In addition to any other remedy, a person who violates
24 this Act shall be liable in an action under the Uniform

1 Deceptive Trade Practices Act.

2 (b) Any person aggrieved by a violation of this Act shall
3 have a right of action in circuit court or as a supplemental
4 claim in federal district court against an offending party.

5 (c) A prevailing party shall recover for each violation:

6 (1) liquidated damages of \$5,000 or actual damages,
7 whichever is greater;

8 (2) reasonable attorney's fees and costs, including
9 expert witness fees and other litigation expenses; and

10 (3) any other relief, including injunctive relief, as
11 the court deems appropriate.

12 (d) The Attorney General may bring a civil action against
13 a covered entity for a violation of this Act.

14 (e) The rights, remedies, and penalties established by
15 this Act are cumulative and shall not be construed to
16 supersede the rights, remedies, or penalties established under
17 other laws, including, but not limited to, the Consumer Fraud
18 and Deceptive Business Practices Act and the Biometric
19 Information and Privacy Act.

20 Section 25. Waiver void and unenforceable. Any waiver of
21 the provisions of this Act is void and unenforceable as
22 contrary to public policy.

23 Section 30. Home rule. A home rule unit may not regulate
24 surveillance pricing in a manner inconsistent with the

1 regulation by the State of surveillance pricing under this
2 Act. This Section is a limitation under subsection (i) of
3 Section 6 of Article VII of the Illinois Constitution on the
4 concurrent exercise by home rule units of powers and functions
5 exercised by the State."