



March 25, 2026

RE: HF 3794 (Greenman) Surveillance-based price and wage discrimination prohibited

Chair Koegel, Chair O'Driscoll, and Members of the Committee:

On behalf of Minnesota Retailers, we appreciate the opportunity to share our perspective on HF 3794 (Greenman), which would prohibit surveillance-based price and wage discrimination.

We want to thank Representative Greenman for asking for input on this proposal. We are actively working with our members to better understand the bill and its implications. At this time, we do not have specific amendment requests, but we are committed to continuing a constructive dialogue with the author.

As currently drafted, we are opposed to HF 3794 with concerns related to both the pricing and wage provisions.

From a pricing standpoint, retailers are concerned that the bill may limit or discourage beneficial consumer pricing practices. Retailers rely on a range of tools--promotions, loyalty programs, and targeted discounts--to deliver value to customers and remain competitive. We have previously flagged that proposals in this space can step in the way of legitimate consumer discounts. The breadth of definitions—particularly around “surveillance data” and individualized pricing creates uncertainty about how pricing-reducing retail practices would be treated in real-world application.

At the same time, we agree that individual consumer data should not be used to increase prices for that individual. Our concern is that the bill, as written, goes beyond that principle and captures standard, pro-consumer pricing practices.

We also have concerns with the wage provisions. The bill's restrictions on the use of data in wage-setting, combined with disclosure and procedural requirements tied to automated decision systems, may create operational complexity and legal ambiguity for employers. Retailers use a variety of tools to set wages based on market conditions, experience, performance, and business needs, and the current language creates uncertainty around how these practices would be evaluated.

We appreciate Representative Greenman's willingness to engage and look forward to continuing the conversation.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Nustad", written in a cursive style.

Bruce Nustad
president
bruce@mnretail.org