

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1006**

Introduced by Guereca, 7.

Read first time January 13, 2026

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to consumer protection; to adopt the
- 2 Protecting Consumers and Jobs from Predatory Pricing Act; and to
- 3 provide severability.
- 4 Be it enacted by the people of the State of Nebraska,

1        **Section 1.** Sections 1 to 6 of this act shall be known and may be  
2 cited as the Protecting Consumers and Jobs from Predatory Pricing Act.

3        **Sec. 2.** The Legislature finds and declares that:

4        (1) It is the policy of Nebraska to protect consumers from predatory  
5 pricing schemes in whatever iteration they appear or evolve;

6        (2) Advancements in algorithms, in artificial intelligence, and in  
7 electronic shelving technology have created commercial and retail  
8 environments where it is possible to set pricing for a product or service  
9 based on personal or protected data;

10       (3) Current law does not sufficiently prohibit companies from using  
11 personal or protected data to set prices;

12       (4) The use of personal or protected data to set prices presents a  
13 distinct potential for companies to violate consumer privacy rights and  
14 may result in discrimination;

15       (5) While offering goods at different prices due to customer demand  
16 is not new, there are subtle and important differences between price  
17 optimization and dynamic and surveillance pricing;

18       (6) It is in the interest of the state and its consumers to regulate  
19 technologies or business models which can impact consumers or competition  
20 by monetizing consumers' personal information;

21       (7) Business models in dynamic and surveillance pricing have results  
22 that will lead to the elimination of numerous jobs, the existence of  
23 which are relied upon by the communities of the state for the livelihood  
24 of their residents and by the state directly for economic growth;

25       (8) Protection of these jobs will further protect consumers who are  
26 part of this economic ecosystem and will add to the growth of the economy  
27 and job market of Nebraska; and

28       (9) By enacting laws regulating dynamic, surveillance, and  
29 personalized algorithmic pricing, Nebraska can protect and promote the  
30 growth of jobs in the future.

31       **Sec. 3.** For purposes of the Protecting Consumers and Jobs from

1 Predatory Pricing Act:

2 (1) Algorithm means a computational process that uses a set of rules  
3 to define a sequence of operations, including, but not limited to,  
4 artificial intelligence systems and facial-recognition software;

5 (2) Business means any person, firm, organization, partnership,  
6 association, corporation, or any other entity doing business in Nebraska;

7 (3) Clear and conspicuous disclosure means disclosure in the same  
8 medium as and provided on, at, or near and contemporaneous with every  
9 advertisement, display, image, offer, or announcement of a price for  
10 which notice is required using lettering and wording that is easily  
11 visible and understandable to the average consumer;

12 (4) Consumer means an individual who is seeking or solicited to  
13 purchase, lease, or receive a good or service not for resale in the  
14 ordinary course of the individual's trade or business but for personal,  
15 family, or household use;

16 (5) Consumer data means any data that identifies or could reasonably  
17 be linked, directly or indirectly, with a specific individual or device,  
18 excluding location data;

19 (6) Dynamic pricing means pricing that fluctuates dependent on  
20 conditions that algorithmic or artificial intelligence models retrain or  
21 recalibrate on information in near real-time, excluding promotional  
22 pricing offers, loyalty program benefits, or other temporary discounts or  
23 changes to pricing related to retention of existing customers;

24 (7) Electronic shelving label means electronic and wireless paper  
25 displays that present product and pricing information;

26 (8) Grocery store means an establishment that is primarily engaged  
27 in retailing a general line of food, such as canned or frozen foods,  
28 fresh fruits or vegetables, or fresh or prepared meats, fish, or poultry;

29 (9)(a) Nondigital presentation of price means:

30 (i) A sign which offers the unit price for one or more brands or  
31 sizes of a given commodity;

1       (ii) A sticker, stamp, sign, label, or tag, affixed to the shelf  
2 upon which the commodity is displayed; and

3       (iii) A sticker, stamp, sign, label, or tag, affixed to the  
4 commodity itself.

5       (b) If a single sticker, stamp, sign, label, or tag does not provide  
6 the unit price information for more than one brand or size of a given  
7 commodity, then the following information shall be provided:

8       (i) The identity of the commodity;

9       (ii) The brand name of the commodity;

10       (iii) The quantity of the packaged commodity if more than one  
11 package size per brand is displayed;

12       (iv) The total sale price of the commodity; and

13       (v) The price per appropriate unit.

14       (c) Where a sign providing unit price information for one or more  
15 sizes or brands of a given commodity is used, the sign shall be centrally  
16 located as close as practical to all items to which the sign refers, and  
17 the unit price information displayed thereon shall be presented in a  
18 clear, distinct, and nondeceptive manner;

19       (10) Personalized algorithmic pricing means dynamic pricing or  
20 surveillance pricing derived from or set by an algorithm that uses  
21 consumer data which may vary among consumers and groups of consumers;

22       (11) Protected class data means information about an individual or  
23 group of individuals that directly, in combination, or by implication  
24 identifies a characteristic that is legally protected from discrimination  
25 under state or federal law, including, but not limited to, ethnicity,  
26 national origin, age, disability, sex, sexual orientation, gender  
27 identity and expression, pregnancy outcomes, and reproductive health  
28 care; and

29       (12) Surveillance pricing means offering or setting a customized  
30 price for a good or service for a specific consumer or group of  
31 consumers, based, in whole or in part, on information collected through

1 electronic surveillance technology. Surveillance pricing includes the use  
2 of technological methods, systems, or tools, including, but not limited  
3 to, sensors, cameras, device tracking, biometric monitoring, or other  
4 forms of observation or data collection that are capable of gathering  
5 information about the behavior, characteristics, location, or other  
6 personal attributes of a consumer, whether in physical or digital  
7 environments.

8       **Sec. 4.**   (1) Any business that knowingly advertises, promotes,  
9 labels, or publishes a statement, display, image, offer, or announcement  
10 that uses personalized algorithmic pricing using consumer data specific  
11 to a particular consumer is required to provide a clear and conspicuous  
12 disclosure to consumers that the price was set by an algorithm using the  
13 personal data of the consumer.

14       (2) A grocery store larger than ten thousand square feet shall not  
15 use electronic shelving labels or any digital shelf display technology,  
16 and shall use a nondigital presentation of price. This prohibition does  
17 not limit the ability of any grocery store or business to provide a  
18 consumer a discount, promotional price, or loyalty program benefit based  
19 on the consumer's previous purchase history.

20       (3) No business shall use electronic shelving labels or any digital  
21 shelf display technology to display personalized algorithmic pricing or  
22 surveillance pricing.

23       (4) No business shall use personalized algorithmic pricing or  
24 surveillance pricing for any reason.

25       (5) No business shall collect or use the data of an individual  
26 younger than seventeen years of age for targeted advertising or  
27 personalized algorithmic pricing under any circumstances.

28       (6) No business shall use protected class data in setting a price  
29 for, offering, marketing, or selling any good or service if any of the  
30 following are true:

31       (a) The use of such data has the effect of withholding or denying

1 any of the accommodations, advantages, or privileges accorded to other  
2 individuals or groups; or

3 (b) The price for such good or service is different from the price  
4 offered to other individuals or groups based, in whole or in part, on the  
5 use of protected class data.

6 **Sec. 5.** The Protecting Consumers and Jobs from Predatory Pricing  
7 Act shall not apply to any:

8 (1) Person providing financial services, including, but not limited  
9 to, financial institutions, financial institution affiliates, broker-  
10 dealers, registered investment advisors, and persons that provide  
11 consumer credit products such as credit cards, personal loans, and  
12 mortgages; or

13 (2) Insurer licensed, regulated, or otherwise authorized to do  
14 business in Nebraska, including any person, agent, or affiliate acting on  
15 behalf of such insurer.

16 **Sec. 6.** (1) Whenever a potential violation of the Protecting  
17 Consumers and Jobs from Predatory Pricing Act occurs, the Attorney  
18 General may bring an action in the name of the State of Nebraska in a  
19 court of competent jurisdiction to enjoin and restrain such violation and  
20 its continuance.

21 (2) In connection with any such action, the Attorney General is  
22 authorized to take evidence, make a determination of the relevant facts,  
23 and to issue subpoenas.

24 (3) If it appears to the satisfaction of the court that the  
25 defendant has, in fact, violated the Protecting Consumers and Jobs from  
26 Predatory Pricing Act, the court may issue an injunction, enjoining and  
27 restraining such violation and its continuance without requiring proof  
28 that any person has, in fact, been injured or damaged by the violation.

29 (4) Whenever a court determines that a violation of the Protecting  
30 Consumers and Jobs from Predatory Pricing Act has occurred, the court may  
31 impose a civil penalty of not more than seven thousand five hundred

1 dollars for each violation.

2 (5) In addition to any other remedies provided in the Protecting  
3 Consumers and Jobs from Predatory Pricing Act, any person aggrieved by a  
4 violation of the act may bring a civil action against the violator.

5 (6) Nothing in this section shall in any way limit rights or  
6 remedies which are otherwise available under law to the Attorney General  
7 or any other person authorized to bring an action under this section.

8 **Sec. 7.** If any section in this act or any part of any section is  
9 declared invalid or unconstitutional, the declaration shall not affect  
10 the validity or constitutionality of the remaining portions.