

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 839

Short Title: Price Transparency Act. (Public)

Sponsors: Senator Bradley (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 28, 2026

1 A BILL TO BE ENTITLED
2 AN ACT TO BAN ALGORITHMIC PRICING AND ANTI-COMPETITIVE MERGERS FOR
3 FOOD RETAILERS.

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. Grocery Price Transparency Act.**

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) Anti-competitive merger. – A transaction involving mergers, acquisitions, or
13 consolidations of food retailers, food distributors, or food processors which
14 are likely to substantially lessen competition in North Carolina.

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

17 (4) Dynamic pricing. – The practice of varying the prices of consumer goods or
18 services within the same business day based on demand or other factors,
19 including the use of algorithmic pricing.

20 (5) Food distributor. – A merchant that operates a business engaged in the
21 wholesale distribution of food to food retailers.

22 (6) Food processor. – A merchant that operates a business engaged in the
23 transformation of agricultural materials into food products.

24 (7) Food retailer. – A grocer or grocery section of a supermarket.

25 (b) Dynamic Pricing Ban. – Food retailers shall not engage in dynamic pricing.

26 (c) Exceptions. – The following shall not be considered a violation of subsection (b) of
27 this section:

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

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

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



- 1 (4) Price corrections resulting from a pricing error.
- 2 (5) Resetting a price following a system or network outage.
- 3 (d) Anti-Competitive Merger Ban. – Food retailers, food distributors, and food processors
- 4 shall not engage in anti-competitive mergers.

5 (e) Credit Card Surcharge Cap. – Food retailers shall not impose a surcharge of more
6 than two percent (2%) of the total transaction price on a consumer for electing to use a credit or
7 charge card.

8 (f) Price Transparency Team. – The North Carolina Department of Justice shall create a
9 team within its Consumer Protection Division to monitor and report the average prices of
10 groceries, fuel, water, electricity, gas, and internet in North Carolina entitled the Price
11 Transparency Team.

12 The Price Transparency Team shall publish quarterly reports on the first business day of each
13 quarter, accessible by the public through the North Carolina Department of Justice website. These
14 quarterly reports must include:

- 15 (1) Average prices of groceries, fuel, water, electricity, gas, and internet in North
16 Carolina for the previous quarter.
- 17 (2) Percentage change in average price of groceries, fuel, water, electricity, gas,
18 and internet from the quarter immediately preceding the quarter being
19 reported.

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

21 **SECTION 2.** There is appropriated from the General Fund to the Department of
22 Justice the sum of five million dollars (\$5,000,000) in recurring funds beginning in the 2026-2027
23 fiscal year to be allocated to the Office of the Attorney General to support enforcement of the
24 Grocery Price Transparency Act of Article 1 of Chapter 75 of the General Statutes, as enacted
25 by this act.

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