2026 Regular Session

HOUSE BILL NO. 471

BY REPRESENTATIVE JORDAN

COMMERCE: Provides relative to prohibiting surveillance-based price discrimination

1   AN ACT

2   To enact R.S. 51:1430, relative to prohibiting surveillance-based price discrimination; to

3   provide for an unfair or deceptive trade practice; to provide for definitions; to

4   prohibit surveillance-based price discrimination; to provide for differential prices;

5   to provide for a right of action; and to provide for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1. R.S. 51:1430 is hereby enacted to read as follows:

8   §1430. Unfair or deceptive trade practice or act; surveillance-based price

9   discrimination prohibited

10   A. For the purpose of this Section, the following terms have the following

11   meanings:

12   (1) "Automated decision system" means a system, software, or process that

13   uses computation, the result of which is used to assist or replace human

14   decision-making, including a system, software, or process derived from machine

15   learning, statistics, or other data processing or artificial intelligence techniques, and

16   excludes passive computing infrastructure.

17   (2) "Behaviors" means an individual's observable, measurable, or inferred

18   actions, habits, preferences, interests, or vulnerabilities, including the individual's

1   political, personal, or professional affiliations, web browsing history, IP addresses

2   used, locations frequented, purchase history, financial circumstances, consumer

3   behaviors, or inferences associated with a group, band, class, or tier of individuals

4   in which the individual belongs.

5   (3) "Biometrics" means data or information generated by the technological

6   processing, measurement, or analysis of a consumer's biological, physical, or

7   behavioral characteristics, which data or information can be processed for the

8   purpose of uniquely identifying an individual, including fingerprints, voiceprints,

9   scans or records of an eye retina or iris, facial maps, facial geometry, facial

10   templates, genetic information, or other unique biological, physical, or behavioral

11   patterns or characteristics.

12   (4) "Consumer" means an individual who uses, purchases, or leases goods

13   or services.

14   (5) "Individualized" means specific to or inferred about an individual or

15   group, band, class, or tier of individuals with particular personal characteristics,

16   behaviors, or biometrics.

17   (6) "Insurer" means an insurer with a certificate of authority or license issued

18   pursuant to provisions in R.S. 22:481 et seq.

19   (7) "Personal characteristics" means individual qualities, features, attributes

20   or traits, including immutable characteristics such as race and eye color, mutable

21   characteristics such as address, weight, citizenship, or parenthood status, and any

22   other personal identifying information, that could be used to uncover an individual's

23   identity, including a social security number, full name, or phone number.

24   (8) "Price" means the amount charged to a consumer in relation to a

25   transaction, including all related costs and fees and other material terms of the

26   transaction that have a direct bearing on the amount paid by the consumer or the

27   value of the good or service offered or provided to the consumer.

28   (9) "Surveillance data" means data obtained through observation, inference,

29   or surveillance of a consumer or worker that is related to personal characteristics,

1 behaviors, or biometrics of the individual or a group, band, class, or tier in which the

2 individual belongs, including information gathered, purchased, or otherwise

3 acquired.

4   B.(1) No person shall engage in surveillance-based price discrimination.

5   (2) A corporation or person has not engaged in surveillance-based price

6 discrimination if the person demonstrates any of the following:

7   (a) Differential prices are justified based on differences in cost in providing

8 a good or service to different consumers.

9   (b) Differential prices reflect discounts offered to all consumers on equal

10 terms in a manner consistent with applicable anti-discrimination laws, where all of

11 the following apply:

12   (i) The terms of the discount are available and accessible to consumers and

13 the public.

14   (ii) Discount reward membership uniformly to any consumer who is a

15 member in a particular group, including but not limited to active members of the

16 military, veterans, teachers, students, or senior citizens.

17   (iii) Any surveillance data used solely to offer or administer a discount is not

18 used for any other purpose, including profiling, targeted advertising, or

19 individualized price setting.

20   (iv) Eligibility for the discount is based on information affirmatively and

21 voluntarily provided by the consumer to the person offering the discount.

22   (v) Any loyalty program that allows a user to accrue and exchange points,

23 credits, or any similar nonmonetary system of value for a product or service does not

24 charge a different price for those points, credits, or similar nonmonetary system of

25 value to different consumers for the same or substantially similar product or service.

26   (vi) The person operates as an insurer pursuant to R.S. 22:481 et seq. and

27 associated rules and only inputs risk-relevant data into an automated decision system

28 that informs decisions related to the amount a consumer must pay for an insurance

29 policy or contract.

1   (3)   An entity or person has not engaged in surveillance-based price

2   discrimination if the person can demonstrate that a refusal to extend credit at specific

3   terms or the refusal to enter into a transaction with a specific consumer is based on

4   data provided in a consumer report covered by Fair Credit Reporting Act, 15 U.S.C.

5   1681 et seq.

6   C.   A violation of this Section is grounds for a private right of action

7   according to R.S. 51:1409.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 471 Original   2026 Regular Session   Jordan

Abstract: Provides relative to prohibiting surveillance-based price discrimination.

Proposed law defines "automated decision system", "behaviors", "biometrics", "consumer",
"individualized", "insurer", "personal characteristics", "price", and "surveillance data".

Proposed law provides that no person shall engage in surveillance-based price
discrimination.

Proposed law provides that a corporation or person has not engaged in surveillance-based
price discrimination if the person demonstrates that differential prices are justified based on
differences in cost in providing a good or service to different consumers or differential prices
reflect discounts offered to all consumers on equal terms in a manner consistent with
applicable anti-discrimination laws, where all of the following apply:

(1)   The terms of the discount are available and accessible to consumers and the public.

(2)   Discount reward membership uniformly to any consumer who is a member in a
        particular group, including but not limited to active members of the military,
        veterans, teachers, students, or senior citizens.

(3)   Any surveillance data used solely to offer or administer a discount is not used for any
        other purpose, including profiling, targeted advertising, or individualized price
        setting.

(4)   Eligibility for the discount is based on information affirmatively and voluntarily
        provided by the consumer to the person offering the discount.

(5)   Any loyalty program that allows a user to accrue and exchange points, credits, or any
        similar nonmonetary system of value for a product or service does not charge a
        different price for those points, credits, or similar nonmonetary system of value to
        different consumers for the same or substantially similar product or service.

(6)   The person operates as an insurer pursuant to present law and associated rules and
        only inputs risk-relevant data into an automated decision system that informs

decisions related to the amount a consumer must pay for an insurance policy or contract.

Proposed law provides that an entity or person has not engaged in surveillance-based price discrimination if the person can demonstrate that a refusal to extend credit at specific terms or the refusal to enter into a transaction with a specific consumer is based on data provided in a consumer report covered by present law.

Proposed law provides that violation of proposed law is grounds for a private right of action according present law.

(Adds R.S. 51:1430)