
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 362 Original

DIGEST
2026 Regular Session

Duplessis

Present law provided for unfair trade practices, actions, penalties, and relief.

Proposed law retains present law and defines the following terms: "automated decision system", "behaviors", "biometrics", "consumer", "individualized", "insurer", "personal characteristics", "price", and "surveillance data".

Proposed law prohibits any person from engaging in surveillance-based price discrimination and provides that such conduct constitutes an unfair or deceptive trade practice or act.

Proposed law provides that a person shall not be considered to have engaged in surveillance-based price discrimination if any of the following occur:

- (1) Differential prices are justified by differences in the cost of providing a good or service to different consumers.
- (2) 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 occur:
 - (a) The discount terms are publicly available and accessible.
 - (b) Discount reward membership uniformly applied to any consumer who is a member in a particular group.
 - (c) Surveillance data used solely to offer or administer a discount is not used for profiling, targeted advertising, or individualized price setting.
 - (d) Eligibility for discount is based on information affirmatively and voluntarily provided by the consumer.
 - (e) Loyalty programs do not charge different prices for the same or substantially similar points, credits, or similar nonmonetary system of value.
 - (f) The person operates as an insurer and only inputs risk-relevant data into an automated decision system to determine the amount to be paid for an insurance policy or contract.

- (3) A refusal to extend credit at specific terms or to enter into a transaction is based on data contained in a consumer report governed by the Fair Credit Report Act.

Proposed law provides that a violation of proposed law shall be deceptive and unfair trade practice and subject the violator to any action and penalty provided in present law, including a private right of action.

Effective August 1, 2026.

(Adds R.S. 51:1430)