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**STATEMENT FOR THE RECORD  
BEFORE THE VIRGINIA HOUSE LABOR AND COMMERCE COMMITTEE,  
SUBCOMMITTEE #2  
ON HB 121 “SURVEILLANCE PRICING; PROHIBITED, CIVIL PENALTIES.”**

**February 5, 2026  
Awesta Sarkash  
Senior Public Policy Director, Small Business Majority**

Thank you, Chair Lopez, and members of the Committee:

My name is Awesta Sarkash and I am the Public Policy Director for Small Business Majority, a small business advocacy organization with a mission to empower America’s diverse entrepreneurs to build a thriving and equitable economy. Thank you for the opportunity to discuss HB 121, legislation that would prohibit the use of surveillance pricing in connection with a consumer transaction.

Large corporations constantly collect information about consumers’ locations, viewing habits, social networks, purchases, loans, what they pay attention to online and more. They are able to then run this consumer data through algorithms to set individualized price points, rigging the market to charge consumers as much as possible for goods and services. As technology that captures consumer behavior becomes increasingly sophisticated, the likelihood of surveillance pricing will increase without government regulation.

Yet, individual consumers aren’t the only ones at risk of being taken advantage of when surveillance pricing is used. After all, small businesses are also consumers that often need to purchase goods and services from larger corporations. Large suppliers can also capture their consumer behavior and use algorithms to set prices as high as small businesses will tolerate. Small businesses already don’t compete on a completely even playing field, and surveillance prices allow dominant corporations to further increase their dominance over small businesses.

This legislation helps address future unfair and deceptive price discrimination that would harm both individual consumers and small businesses. It defines "surveillance pricing" as the selling or offering for sale of a good or service at a customized price for a specific consumer or group of consumers that is based, in whole or in part, on personal data that is collected through electronic surveillance technology, regardless of whether the seller collected or purchased the personal data. Furthermore, a violation of the provisions of this bill would constitute a prohibited practice under the Virginia Consumer Protection Act.

Small businesses need laws like HB 121 so they can compete on a level playing field. We urge you to support this commonsense approach to reining in unfair surveillance pricing that would exploit Virginia’s consumers and small businesses.

Thank you,

Awesta Sarkash  
Senior Public Policy Director  
Small Business Majority