



PROGRAM MATERIALS

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2026 Consumer Protection Priorities and Trends

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State Attorneys General

2026 Consumer Protection Priorities and Trends

June 25, 2026

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Agenda

- Background on AG Enforcement
- Recent AG Enforcement Actions, Trends, Issues
 - Affordability, Pricing & Fees
 - Privacy & Data Practices
 - Social Media & Children
 - Public Health
- Predictions for Future Enforcement

Background

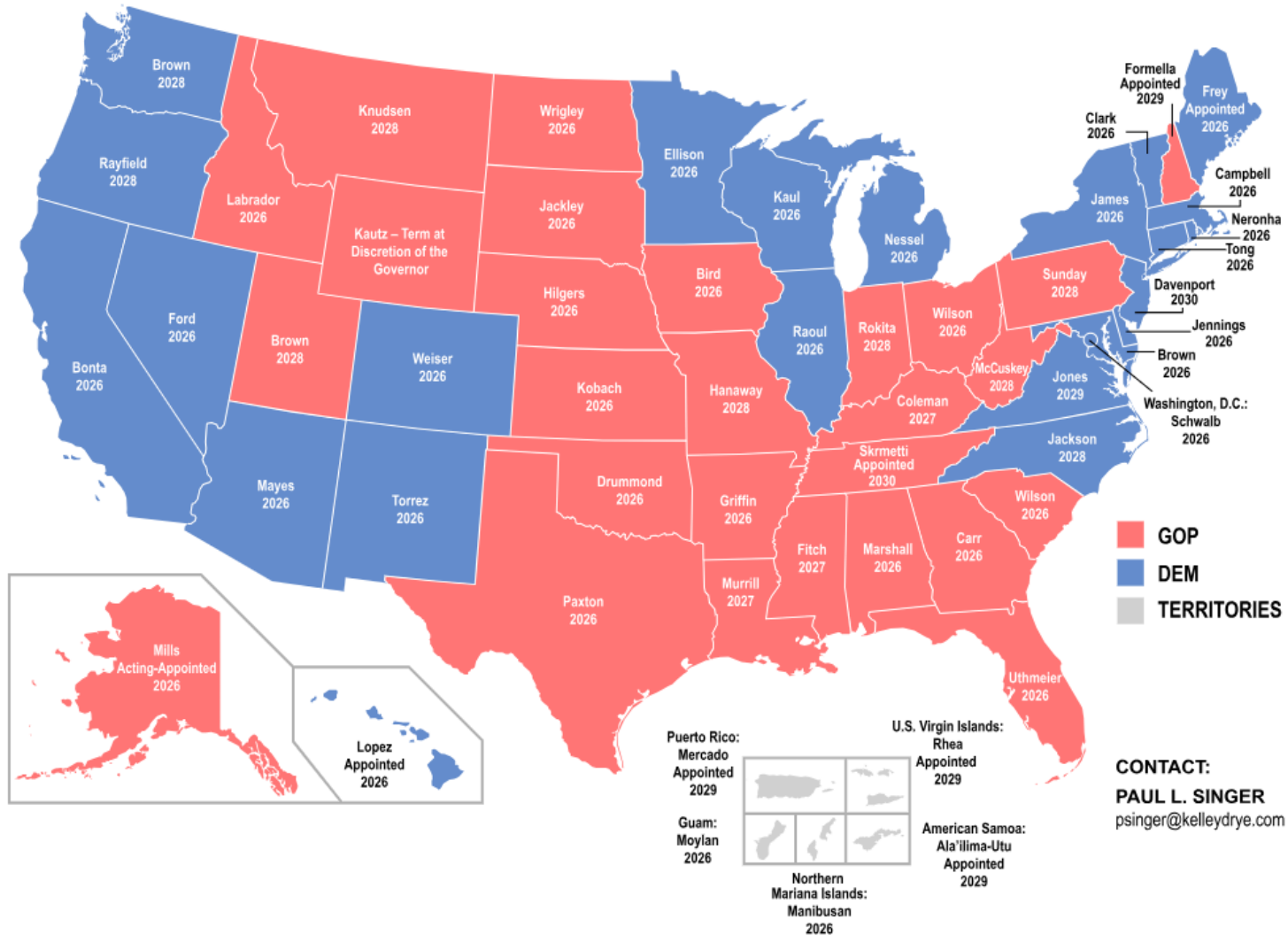
- Attorney General selection varies by state. Most states elect the AG, but others are appointed.
- AG can work with other states to create a multistate investigation which can turn into litigation against an entity.
- Consumer protection is organized differently in each state's office. Each AG sets own priorities and agendas based on needs of the state's consumers.
- UDAP (unfair deceptive acts and practices) law exists in every state, but there are some key differences.

Key Enforcement Tools

- UDAP Powers:
 - Civil Investigative Demands
 - Sworn Statements
- Remedies:
 - Injunctive Relief
 - Monetary Relief
- Unique Form of Settlement: Assurance of Voluntary Compliance/Discontinuance

Attorney General Landscape – Elevated Turnover Ahead

STATE ATTORNEYS GENERAL MAP



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State AGs vs. FTC: Enforcement Authority Compared

	State AGs	FTC
Monetary relief	Can seek civil penalties, injunctions, restitution, and disgorgement	Cannot seek equitable monetary relief under the FTC Act after <i>AMG v. FTC</i> Civil penalties still available for specific rule violations
Exemptions	UDAP statutes generally apply broadly across industries	Certain industries (e.g. telecommunications) fall outside FTC jurisdiction
Private Right of Action	Available under many state UDAP laws	Not available under the FTC Act

Recent AG Enforcement Actions, Trends, and Issues

Affordability, Pricing and Fees

NAAG Presidential Initiative

- 2026 NAAG President: Connecticut Attorney General William Tong
- *Driving Down Costs for American Families*
- Presidential Summit June 29-July 1 in Greenwich, CT
 - The Summit will highlight key cases and actions AGs are taking across the country to relieve financial pressures on American families

All-In Pricing and Disclosures

- UDAP and “junk fee” laws
- Enforcement examples:
 - DC AG
 - TX AG

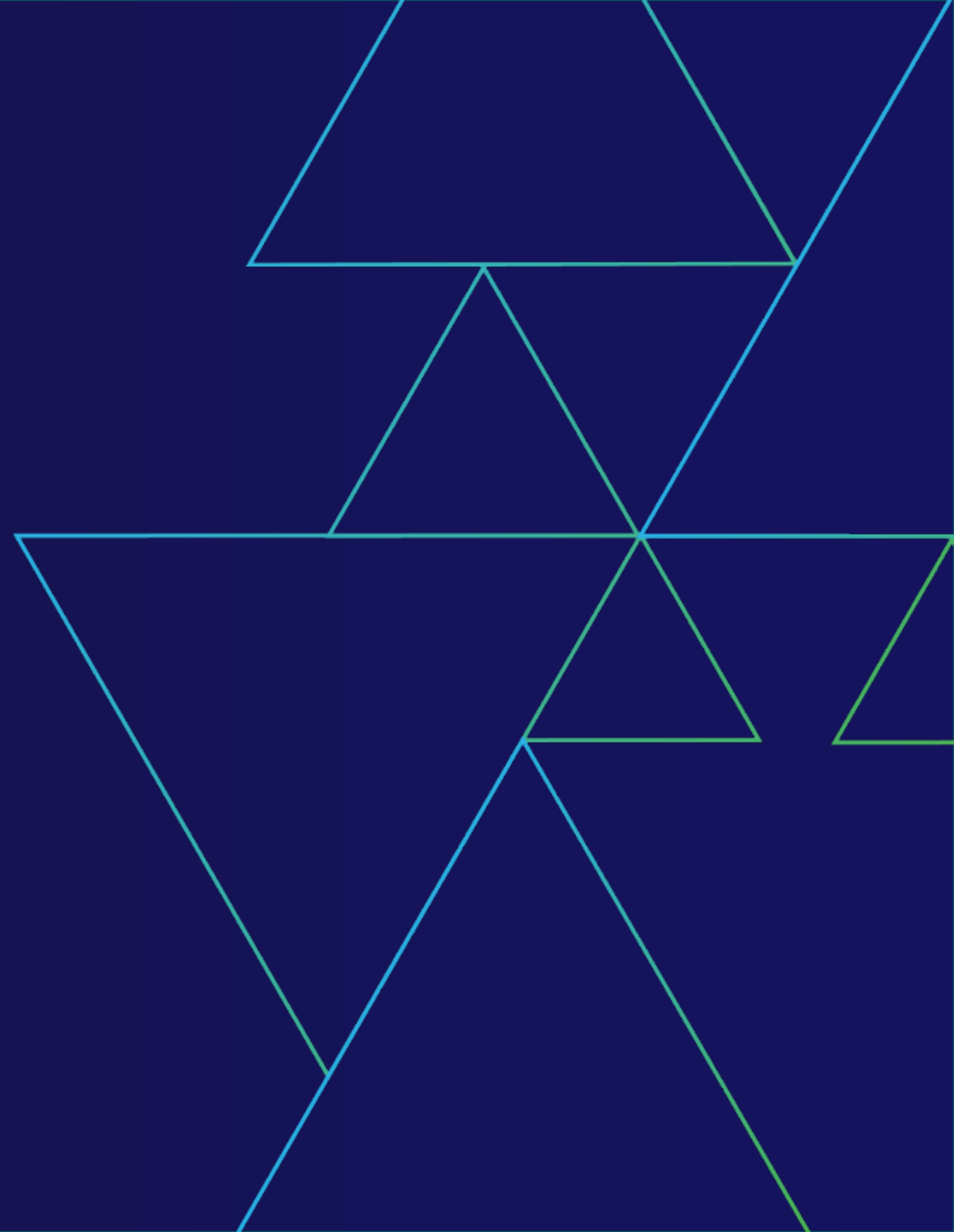
Subscriptions

- UDAP and autorenewal laws
- Enforcement examples:
 - PA AG
 - NY AG
 - 34 State Settlement

Surveillance Pricing

- UDAP, privacy, antitrust, and surveillance pricing laws
- Enforcement examples:
 - NY AG
 - CA AG Investigative Sweep

Privacy and Data Practices



Location Tracking

- UDAP and comprehensive privacy laws
- Enforcement examples:
 - TX AG
 - CA AG Investigative Sweep

Consumer Opt-Outs

- UDAP and comprehensive privacy laws
- Enforcement examples:
 - CA AG
 - CT AG

Third-Party Data Sharing

- UDAP, comprehensive privacy, and data broker laws
- Enforcement examples:
 - CA AG

Social Media and Children



Key Concepts Across Recently Enacted State Laws

- Age verification/age estimation requirements
- Parental consent and parental controls
- Restrictions on addictive design features (e.g., algorithmic feeds, autoplay, notifications)
- Data minimization and restrictions on collection/use of minors' data
- App store accountability (age signals, parental consent for downloads)

Enforcement

- Key themes in recent AG enforcement actions against social media platforms:
 - Deceptive safety and age-appropriateness claims
 - Addictive or manipulative platform design targeting minor
 - Failures to implement adequate safeguards for children's data and well-being

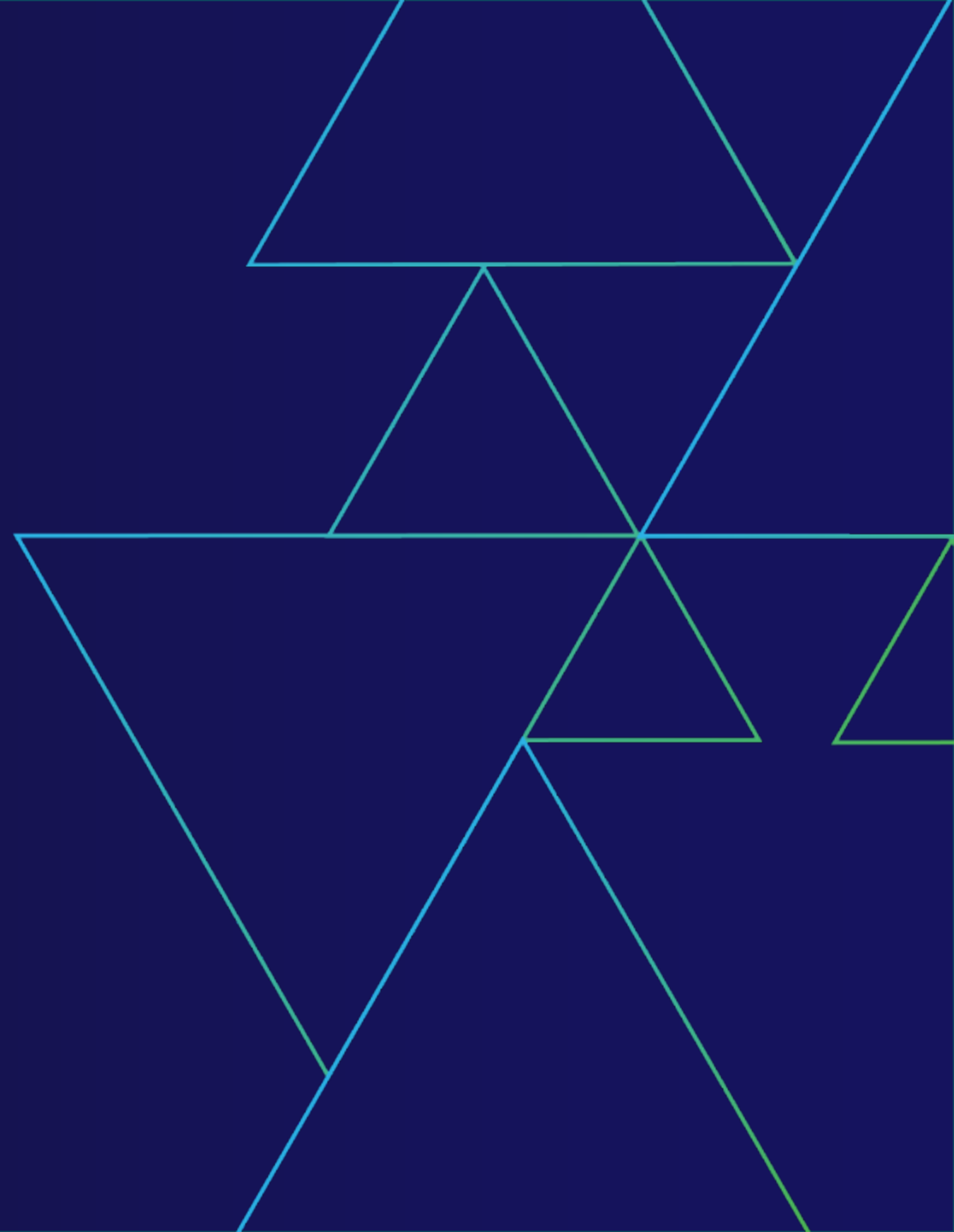
AI Chat Bots

- UDAP, AI chatbot disclosure, and minor verification laws
- Enforcement examples:
 - TX AG
 - 44-state AG coalition letter to AI developers
 - Multistate investigation

App Stores and Age Assurance Laws

- States with enacted laws: Alabama, California, Louisiana, Texas, Utah
- While requirements vary by state, these laws generally place obligations on app stores, app developers, and in some cases operating system providers to:
 - Verify users' ages or categorize users into age group
 - Obtain verifiable parental consent before minors can download apps or make purchases
 - Enforce age-based restrictions and safeguards

Public Health



Opioids

- UDAP, public nuisance, false claims and controlled substance laws
- Enforcement examples:
 - Multiple AGs re: opioid crisis
 - Other multistate opioids settlements – manufacturers, distributors, pharmacies

Food and Nutrition Safety

- UDAP and laws regarding labeling, marketing, and ingredients
- Enforcement examples:
 - TX AG
 - AZ, CA, DC, TX AGs

GLP-1 Drugs - Counterfeit and Unapproved Products

- UDAP, pharmacy and medical practice laws, laws specific to drugs/compounding
- Enforcement examples:
 - NAAG Letter to FDA
 - CT AG
 - AL AG

Unregulated Hemp-Derived and Nicotine Products

- UDAP and public nuisance laws
- Enforcement examples:
 - NAAG Letter to congressional leaders
 - CT, NE AG crackdown
 - Multistate AG Letter re: Nicotine Marketing
 - Multistate AG Letter re: E-Cigarette Sales



Photo from CT AGO press release

Thank you



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Pricing 101: The Top 10 Issues Companies Should Be Watching Now

Paul L. Singer, Alys Z. Hutnik

June 3, 2026

Pricing has moved to the forefront of regulatory scrutiny. Against a backdrop of consumer concern about the rising cost of goods and services, legislators and enforcers are increasingly focused on how businesses set, present, and adjust prices. In [Part 1](#) of our “Pricing 101” webinar series, we discuss ten priority issues that companies should be evaluating.

1. Surveillance Pricing

Few concepts are receiving more attention than “surveillance pricing,” a term without a single definition but that is generally used to describe the use of personal data to set individualized prices for consumers.

At the outset, it is important to distinguish “surveillance pricing” from more familiar and widely accepted practices, such as loyalty programs and targeted promotions. Companies have long relied on personal data to deliver discounts, coupons, and tailored offers that may result in lower prices for certain consumers. These approaches typically operate by layering personalized incentives on top of a generally applicable base price, rather than altering the base price itself for a specific individual. While loyalty discounts and surveillance pricing are arguably distinct concepts, some legislators and enforcers are lumping them together.

For example, roughly half of U.S. states have introduced legislation addressing surveillance pricing, varying significantly in scope and highlighting an ongoing lack of consensus about what conduct is actually at issue. New York, for instance, has enacted a law requiring affirmative disclosures when a company engages in what it characterizes as “algorithmic” or “dynamic” pricing. That requirement is notably broad and, depending on how it is interpreted, could extend beyond individualized base pricing to capture practices such as loyalty programs. By contrast, Maryland’s recently enacted law takes a narrower approach, expressly excluding loyalty programs from its definition of surveillance pricing.

Notwithstanding this legislative momentum, much of the concern appears to remain largely hypothetical. That point is underscored by the FTC’s recent Section 6(b) study. While the study sought concrete information from intermediaries about their data-driven pricing practices, the resulting 2025 report nonetheless focused on theoretical scenarios and potential risks rather than documented instances of widespread “surveillance pricing.”

Our next installment of our Pricing 101 webinar series on June 24 will focus specifically on surveillance pricing. You can register [here](#). In the interim, for more on surveillance pricing, see our blog [here](#).

2. Pricing Accuracy

Pricing accuracy remains an enforcement priority. At its core is a straightforward question: does the price a consumer sees match the price they ultimately pay at checkout? While this issue has traditionally arisen in brick-and-mortar retail settings, it continues to be highly relevant as retailers adopt new technologies such as electronic shelf labels (ESLs).

ESLs can improve pricing accuracy by syncing shelf prices directly with point-of-sale systems, thereby avoiding the need for employees to manually update price tags. Manual processes are prone to error, and mistakes in changing tags are a common source of mismatches that can trigger regulatory scrutiny. By enabling real-time updates, ESLs offer a solution to that compliance challenge.

At the same time, the rollout of ESL technology has generated new questions from regulators and lawmakers. Some have raised concerns that ESL could be used to manipulate pricing in ways that resemble “surveillance pricing.” For example, policymakers have speculated about scenarios in which prices could change dynamically within a store environment, or even vary between consumers. Although there is no evidence that such practices are occurring in the marketplace, the possibility has attracted attention.

As a result, some states considering surveillance pricing legislation have proposed restrictions on, or even moratoria of, ESL use. These proposals highlight a growing tension in the policy debate: efforts to guard against perceived future risks may inadvertently undermine technologies that enhance pricing accuracy.

3. Subscriptions and Auto-Renewals

Subscription models continue to generate enforcement activity, with the FTC alone having brought nearly a dozen subscription-related enforcement actions (see, e.g., [here](#)) over the past year. Regulators are focused on whether companies clearly disclose material terms such as [cancellation fees](#), obtain affirmative consent, and provide easy cancellation mechanisms. The rise of subscription-based offerings has been accompanied by increased consumer complaints, particularly where consumers forget to cancel or encounter friction in doing so. Federal and state laws, including ROSCA and numerous state auto-renewal statutes, impose detailed requirements, and regulators often evaluate the entire user experience, from sign-up through cancellation.

4. Price Gouging

Price gouging laws come sharply into focus during emergencies, such as natural disasters or public health crises. These laws vary widely across states in terms of [what triggers them](#), which goods or services are covered, and how terms such as “excessive” pricing are defined. Importantly, many are activated automatically upon a declared emergency and can remain in effect for extended periods. This means that companies that rely on dynamic or automated pricing systems could accidentally run afoul of these laws if they do not have controls to ensure that prices do not spike during these periods.

5. Line-Item Fees

The use of line-item fees continues to attract both regulatory scrutiny and private litigation. While separating charges such as shipping or service fees from base prices is not inherently problematic,

issues arise when fees are inadequately disclosed, misleadingly described, or only revealed late in the purchasing process. Recent enforcement trends highlight concerns about fees labeled as “recovery” or “surcharge” fees, particularly where their rationale or calculation is unclear.

6. Pricing Disclosures

Closely related to line-item fees is the broader issue of pricing disclosures. Any statements about price, including the purpose of fees or how costs are allocated, must be accurate and not misleading. For example, regulators have scrutinized representations about “tips” for delivery services and whether consumers understand for what purposes those amounts are actually used. Clear and conspicuous disclosures of pricing terms, particularly those presented early in the consumer journey, remain a material focus.

7. Junk Fees

The concept of “junk fees” has become a major policy focus, with regulators emphasizing the importance of all-in pricing. Whether through rulemaking or legislation, the goal is to ensure that consumers understand the total price they will pay without being surprised by mandatory add-ons. Companies should evaluate when and how fees are disclosed in light of a growing body of state fee disclosure laws and UDAP enforcement, and consider whether their pricing presentation allows consumers to make meaningful comparisons at the outset of a transaction.

8. Free Trials

Free trials, and similar introductory offers, present recurring compliance challenges. While these promotions remain popular, they are subject to heightened scrutiny when they convert into paid subscriptions. Regulators expect clear disclosures about the duration of the trial, the charges that will follow, the steps required to cancel, and sometimes notice before the end of the trial. The use of the term “free” itself can trigger additional requirements, including specific disclosure obligations in certain jurisdictions.

9. Material Changes

Changes to pricing or other key terms during the lifecycle of a consumer relationship can create significant risk if not handled properly. Many state laws require advance notice (and, in some cases, renewed consent) before material changes take effect. Beyond pricing, regulators are also examining related practices such as “shrinkflation,” where product size or composition changes without clear disclosure.

10. Promotional Pricing and Savings Claims

Promotional pricing, including [rebate](#) programs, [buy-one-get-one offers](#), and savings claims, remains a staple of enforcement actions. Regulators are focused on whether these promotions accurately reflect the value being offered. Misleading promotions can take many forms, from unclear rebate terms to inflated base prices used to support discount claims.

Looking Ahead

Taken together, these ten issues reflect a broader trend: pricing is not just a business decision, it is a regulatory and reputational risk area that intersects with privacy, advertising, and competition law.

As enforcement activity continues to expand and legislative proposals evolve, companies should take a fresh look at their pricing practices, disclosures, and data use. Proactive review and alignment with core consumer protection principles will be essential to navigating this increasingly complex landscape.

2026 NAAG Spring Consumer Protection Conference: Pricing, Meet and Confers, & Age Verification

Paul L. Singer, Abigail Stempson, Beth Bolen Chun, Andrea deLorimier

June 1, 2026

Recently, consumer protection staff from State AG offices around the country convened for the NAAG Spring Consumer Protection Conference. Topics included discussions of algorithmic pricing, compliance monitors, consumer outreach, and a keynote by NAAG President Connecticut Attorney General William Tong, highlighting the importance of consumer staff and how their roles may differ from executive administration (“front office”). We discuss three panels below.

A Rose by Any Other Name: Dynamic, Differential, Surveillance, and Algorithmic Pricing

This panel echoed many of the same themes as a [pricing panel](#) at the NAAG Annual Conference earlier this year. Panelists compared variations in pricing to buying a car or discounts for students, seniors, and military members – practices generally considered acceptable. But where does greater granularity step over the line, particularly as new tools like AI enable increasingly customized offerings?

Critics of surveillance pricing included a representative from the Electronic Privacy Information Center (EPIC), who theorized that surveillance pricing targets willingness to pay rather than ability to pay. A Consumer Reports’ representative added that surveillance pricing can cause consumers to lose comparison shopping tools which could result in an individualized pricing experience, similar to car-buying (which she used as an example of a hated consumer experience).

Panelists also highlighted benefits of personalized pricing, including understanding inventory management – for example, bringing in more drivers when there is high demand, and saving customers time by providing personalized offers. According to an economist from the International Center for Law & Economics, on average, data-driven pricing provides more discounts to lower income families, though others disputed this conclusion.

Consumer Reports further observed that beyond specific algorithmic pricing and UDAP laws, states can also use reference pricing laws, where differential pricing may be evidence of fake discounts. Minnesota’s Deputy Attorney General Jessica Whitney noted that unfairness may be a better tool than deception in some instances, similar to how states have relied on unfairness in the absence of specific price gouging laws.

Panelists warned not to throw the baby out with the bathwater and ensure any legislation preserves

consumer benefits. Whitney agreed, saying this new frontier is really old in some ways, and regulation should include experts and consumers to find the right way to stand the test of time.

Making CID “Meet and Confers” Work

Panelists from both sides of AG Civil Investigative Demand (CID) meet-and-confer discussions participated in this panel, including Jared Libet, Assistant Deputy Attorney General, South Carolina Attorney General’s Office; Jeff Hill, Special Counsel to Consumer Protection, Tennessee Attorney General’s Office; Deputy Attorney General Whitney (Minnesota, discussed above); and Paul Singer of Kelley Drye.

Regarding CID authority, Whitney explained pre-lawsuit investigative power is taken seriously; staff do not want to abuse such authority and risk losing it. Nor do they want to unnecessarily review a burdensome amount of documents. Some AG offices have the ability to issue CIDs at the staff level, while others require multiple levels of approval that include specific justifications. Libet explained that in his office, due to the formalities of the CID process, typically if a CID is issued, the office will eventually expect a formal resolution to the investigation.

Singer shared the business perspective that CIDs often result in massive burden and shock. While some companies respond in an adversarial manner, he recommended that it is often better to engage with the office to minimize burden. If the business better understands what is most important to the state, it can offer the most helpful information instead of a document dump. Whitney agreed that early engagement by the business could be helpful to both sides and encouraged reaching out well in advance of any deadlines. Singer noted that as more consumer cases are front office driven, discussions at that level may occasionally be appropriate. However, all panelists agreed that if elevating a matter to the front office is necessary, providing notice to staff is generally best practice.

Age Assurance Verification: The Technology, the Tradeoff, and the Path Forward

The panel kicked off with Amy Winecoff, Senior Technologist at the Knight-Georgetown Institute, providing the age assurance landscape. About half of states now have age assurance laws. She outlined three types of age assurance: age verification (such as using ID), age estimation (such as using picture/video), and age inference (using records). Winecoff recommended systems should be measured on a balance of accuracy, privacy, accessibility, and circumvention resistance, including through public reporting on methods and results and independent validation by third parties. She further suggested accountability should lie with the service provider as best positioned to act.

Annie Chiang, Acting Deputy Director for Litigation and Enforcement Strategy, Federal Trade Commission, shared the FTC’s perspective on age assurance. The FTC leans on tech experts for guidance in this space. She noted privacy and age verification must go hand in hand. COPPA enforcement is a huge priority for both the FTC Chair and the President. The agency has had to take a step back to consider a lurking question: age verification itself may involve collecting children’s data, which implicates COPPA. Following an FTC workshop, the FTC issued a [policy statement](#) indicating it would not enforce COPPA when entities collect children’s personal information for age verification purposes, provided certain circumstances are met. When Chiang was asked what the FTC considers “reasonable accuracy” for age verification, she stated that the FTC is trying to understand what industry and experts are doing. While she could not offer a concrete standard, she said the agency wants to empower parents, protect kids, and promote innovation. She encouraged

stakeholders to stay tuned.

Consumer protection has long been, and will undoubtedly remain, a key focus for state attorneys general. Reflecting that priority, NAAG hosts two consumer protection conferences each year, with the public portion of its Fall Consumer Protection Conference scheduled for October 27 in Washington, D.C. Kelley Drye will continue to report on developments in this space, including through its coverage of AG conferences.

Key Topics & Related Resources

Affordability, Pricing & Fee Transparency/ Surveillance Pricing & Data-Driven Practices

- [AG Chronicles: December 2025](#)
- [AG Chronicles: April 2026](#)

Subscriptions & Auto-Renewal Risk

- [Auto-Renewal Laws: 2025 Round Up](#)
- [“Surveillance Pricing”: Key Concepts and Legal Landscape](#)
- [34 State AGs Settle UDAP Autorenewal Allegations Against “JustFab” Subscriptions](#)

Privacy & Data Practices

- [AG Chronicles: July 2025](#)
- [California AG focuses on contracts, opt-outs, and consumer disclosures in Healthline settlement](#)
- [California Continues to Actively Enforce Privacy Opt-Out Rights](#)
- [Privacy Practices Blog](#)

Social Media & Children / Online Safety

- [Attorneys General Support Social Media Warning Labels](#)
- [State AGs Again Urge Action to Protect Kids from Tech and AI Risks](#)
- [State AGs Focus on Social Media and its Impact on Youth](#)

Broader AG Enforcement Trends

- [AG Chronicles: May 2026](#)