

HOUSE BILL NO. 5222

November 05, 2025, Introduced by Reps. Morgan, Herzberg, Rheingans, Miller, Mentzer, Price, Hope, MacDonell, Myers-Phillips, Arbit, Dievendorf, Young, Byrnes, Foreman, Hoskins and Wegela and referred to Committee on Economic Competitiveness.

A bill to amend 2000 PA 92, entitled
"Food law,"
(MCL 289.1101 to 289.8111) by adding section 5102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5102. (1) A retail grocery shall not use dynamic pricing
2 in the sale of food. A retail grocery may adjust prices of food due
3 to spoilage, restocking, or time-limited promotions if the adjusted
4 price meets all of the following conditions:
- 5 (a) Is made by an employee of the retail grocery.
6 (b) Is applied uniformly to all customers.
7 (c) Is clearly posted on the product shelf or in-store signage

1 and on the customer receipt.

2 (2) A retail grocery may use digital price tags to display the
3 price of food if the price displayed on the digital price tag
4 matches the price charged at the point of sale and the price is not
5 subject to dynamic pricing.

6 (3) This section does not prohibit a customer from utilizing a
7 uniformly available coupon, loyalty discount, or manufacturer
8 rebate that is offered on the same terms to every customer and does
9 not vary according to an external condition described in subsection
10 (6) (b) .

11 (4) A retail grocery shall maintain records of each price
12 change made to any product and information regarding why the price
13 of a product was changed. A retail grocery shall maintain the
14 records described under this subsection for 12 months and make the
15 records available to the department or attorney general on request.

16 (5) A violation of this section constitutes a violation of the
17 Michigan consumer protection act, 1976 PA 331, MCL 445.901 to
18 445.922.

19 (6) As used in this section:

20 (a) "Digital price tag" means an electronic device used to
21 display the price of an item in store that is capable of being
22 updated remotely or automatically.

23 (b) "Dynamic pricing" means a pricing system that adjusts the
24 price of food at any time, including outside of a business's normal
25 hours of operation, and is based on external conditions that may
26 include, but are not limited to, any of the following:

27 (i) The time of day.

28 (ii) The day of the week.

29 (iii) The weather or temperature.

1 (iv) Customer attributes, including location, demographic
2 profile, purchase history, or an individual or group characteristic
3 protected under the Elliott-Larsen civil rights act, 1976 PA 453,
4 MCL 37.2101 to 37.2804.

5 Enacting section 1. This amendatory act takes effect 180 days
6 after the date it is enacted into law.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ (request no. S04394'25) or House Bill
9 No. 5224 (request no. H04394'25) of the 103rd Legislature is
10 enacted into law.