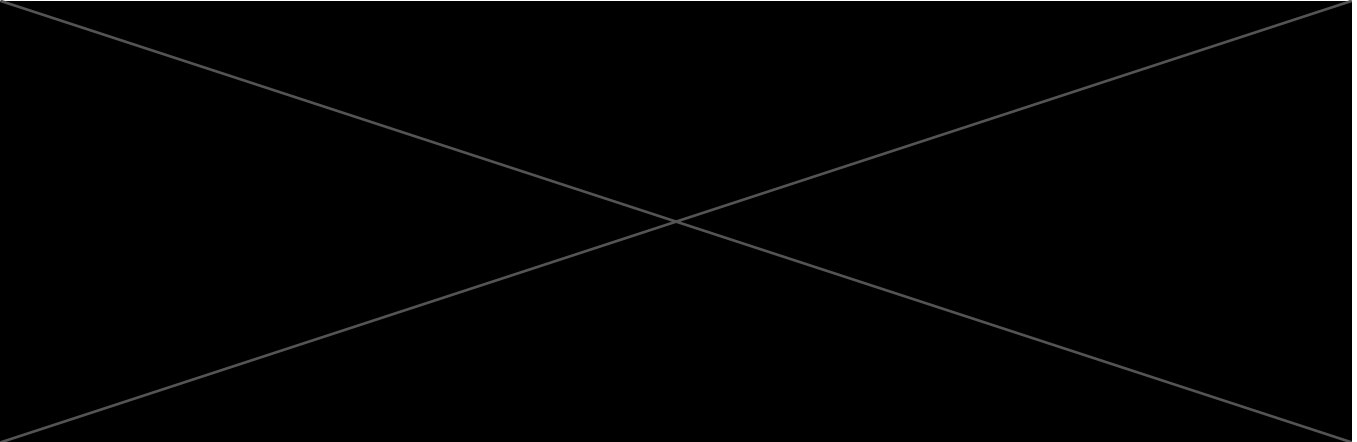




Voicing Concerns re: File 260816--Resolution on AB 2564

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Date Mon 7 20 2026 2:17 PM



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Dear Supervisors,

On behalf of our members in the retail and restaurant industries, we respectfully ask that you continue the resolution supporting AB 2564 to allow for a committee hearing and additional review before the Board takes a position.

We understand and share the concerns about the misuse of consumers' personal data. However, we are not convinced that AB 2564, as currently written, targets that problem with sufficient precision. We believe that while the law is intended to prevent higher individualized prices, it's practical impact would be to discourage legitimate discounts and loyalty offers. The bill is complicated and still evolving, and we do not yet have a clear picture of how it would affect San Francisco businesses, including small businesses that use personalized discounts and loyalty programs to reward repeat customers.

The bill contains no general small-business exemption, and its treatment of discounts and loyalty programs raises practical questions. Could a neighborhood store still send a personalized coupon to a regular customer? What information would a small business need to post on its website? What happens if it lacks the technology or legal support to determine whether a promotion complies? These are common, consumer-friendly practices, and we should understand whether they could be discouraged or exposed to enforcement.

There are also questions about whether the resolution accurately describes AB 2564. For example, it cites hotel-booking prices as evidence of the problem, even though the bill regulates retailers and the pricing of goods and would not affect hotel-booking practices. Amendments were proposed that would have expressly prohibited offering one consumer a higher price than another while preserving legitimate, personalized discounts. To our members' knowledge, the practice those amendments sought

to prohibit does not currently occur in their industries, but the amendments nevertheless offered a more targeted approach. They have not yet been accepted.

The resolution's supporting documents also note that major local-government organizations, including the League of California Cities and the California State Association of Counties, have not taken formal positions. It seems reasonable for San Francisco to take additional time as well.

We are not asking the Board to take a yes or no position on AB 2564 today. We are simply asking that the resolution be continued and heard through the committee process, giving small businesses and other affected stakeholders a meaningful opportunity to weigh in before the City takes a position.

Thank you for considering our request.

Sincerely,

David Harrison



David Harrison (*He/Him*)
Director of Public Policy

[Redacted]
San Francisco Chamber of Commerce

