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Prohibit Surveillance Data to Set Prices and Wages - HB25-1264

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Thank you Chair and members of the committee. My name is Joshua Mantell and I am the Director of Government Affairs for the Bell Policy Center. The Bell Policy Center provides policymakers, advocates, and the public with reliable resources to create a practical policy agenda that promotes economic mobility for every Coloradan.

I am here to testify in support of HB-1264 and want to thank Reps. Mabrey and Garcia for bringing this bill forward.

Ensuring that companies are not able to use personal characteristics to reduce wages for workers or increase costs for consumers is common-sense, and we appreciate that this bill is working to ensure that discrimination by another name does not thrive here in Colorado.

But as we think about this piece of legislation, specifically, it is important to put it into a broader context. Many of the members of this body came to office this session with the goal of increasing affordability for Coloradans. In this day and age, that is an important goal, and one we share. The Bell Policy Center has been fortunate enough to testify in favor of a number of bills in the consumer protection space just this session, whether it has been to prohibit price-gouging for small businesses and consumers, regulating hidden fees so that consumers and small businesses know what the full amount they are going to pay before agreeing to a contract, prohibiting price-setting from big credit card networks, ensuring that landlords cannot collude on rent prices through usage of non-public data, and then this bill today. What unites these policies is that they are saying that for a true free market to flourish, we need to ensure that everyone gets the

same information, and big corporations cannot rig the system for their own profit, while workers, consumers, and small businesses without big market share are stuck with the bill.

With consumer protection being dismantled more and more every day at the federal level, it has never been more important for Colorado to lead the way for consumers, workers, and small businesses who cannot dictate market conditions like large corporations. This includes ensuring that consumers and workers can hold bad actors accountable. This committee sat and listened as illegally fired FTC Commissioner Alvaro Bedoya spoke eloquently about how states can address the affordability crisis through consumer protection laws, just like this one. And while we call this space “consumer protection”, small businesses are also protected by these laws. Small businesses are consumers – buying from larger corporations – and they also cannot wield the data and market share that larger businesses can. And those small and local businesses get pushed out of the market by the bigger businesses

Our data is everywhere, and while that is partly the price to pay for living in this digital age, we cannot let those personal and unique characteristics that are harvested across the internet reduce workers wages or increase prices that we pay for necessary goods. That data should not be able to be used against us. The market dictates wages and prices – not algorithms. We cannot allow big corporations to use our personal data to control our state’s affordability.

We stand strongly behind HB-1264 and ask you to vote yes on this important piece of legislation. I am happy to answer any questions you may have.