CLIENT ALERTS & INSIGHTS

Beyond the Buzzwords: State AGs Put Enforcement Muscle Behind Algorithmic Pricing and Age Verification Crackdowns

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Featured Practices: Litigation, State Attorneys General Investigations & Enforcement, Consumer Protection & Class Actions, False Advertising & Unfair Competition

Featured Industries: Retail & E-Commerce

Key Takeaways

- State AGs are doubling down-across party lines-on consumer protection, with a sharp focus on vulnerable groups and increased scrutiny of algorithmic pricing models and online age-verification practices.
- Enforcement risk is rising. Companies using data-driven pricing or operating online platforms accessible to minors face heightened regulatory scrutiny and potential legal risk if their practices are seen as unfair or noncompliant with evolving state laws.
- Companies can prepare by auditing pricing algorithms and age-verification tools now; assessing data use, disclosures, and potential bias. Align current practices with evolving state laws, document compliance efforts, and engage counsel early to mitigate enforcement risk and position for favorable outcomes.

The Benesch State Attorneys General team recently attended the 2026 Spring Consumer Protection Conference hosted by the National Association of Attorneys General ("NAAG"), held on May 19, 2026, in Kansas City, Missouri. The conference convened state attorneys general, enforcement officials, industry leaders, and consumer advocates to discuss pressing issues in consumer protection. Below are key insights that companies should keep in mind throughout 2026.

I. **Bipartisan Focus on Protecting Vulnerable Populations**
A central theme of this year's conference was the bipartisan commitment among state attorneys general to protect vulnerable populations-particularly the elderly and children-from scammers and predatory pricing. Remarks from Kansas Attorney General Kris Kobach and the keynote address by Connecticut Attorney General William Tong, the current NAAG President, both underscored this focus.

Insight: State AG offices will use their consumer-protection-enforcement resources to target those who prey on seniors and minors. Protecting these groups will remain a priority regardless of political affiliation, and businesses should expect heightened scrutiny of marketing, pricing, and sales practices that disproportionately affect them.

II. **Algorithmic and Dynamic Pricing Under the Microscope**
One of the conference's headline sessions addressed increased scrutiny of cutting-edge pricing technologies-algorithmic, dynamic, differential, and surveillance pricing. Panelists from the International Center for Law & Economics, the Electronic Privacy Information Center, Consumer Reports, and private practice examined how using personal data to personalize pricing has attracted regulatory attention. The session explored recent legislative and enforcement efforts to curb pricing practices that may implicate state privacy and UDAP statutes.

Insight: Given this increased attention from state enforcers, companies using data-driven pricing models should evaluate their practices carefully with counsel.

III. **Age Assurance and Verification Technologies**
The conference also devoted significant attention to age verification online. A growing number of states are enacting laws that require online verification for particular products or services. A panel featuring the Federal Trade Commission and the Knight-Georgetown Institute examined how age assurance and verification systems work, the differences among available approaches, and their real-world tradeoffs. Panelists explored effectiveness in protecting youth, potential privacy and data-security risks, implementation challenges, and broader impacts on consumers and businesses.

Insight: Companies operating in digital spaces accessible to minors should closely monitor state age-verification requirements.

IV. **Consumer Education and Outreach as an Enforcement Tool**

The public portion of the NAAG conference closed with a session on consumer education and outreach as a core component of consumer-protection programs. Representatives from AARP, the Federal Trade Commission, and the Arkansas Attorney General's Office discussed identifying high-impact issues, crafting accessible messaging, selecting effective delivery channels, and integrating outreach with enforcement priorities.

Insight: Businesses should note that attorneys general increasingly view public-education campaigns as complementary to-not a substitute for-enforcement action.

V. **Looking Ahead**

Benesch will continue to monitor consumer-protection trends and enforcement developments. The conference made clear that state attorneys general are actively investigating and penalizing companies that use emerging technologies-particularly personalized pricing algorithms and age verification tools-in ways that may violate consumer protection laws.

Insight: Companies should remain vigilant in their interactions with government agencies, and should consider that proactive compliance and disclosure of potential issues early often leads to more favorable outcomes.

Benesch is well situated to help with all of these concerns. Our deep bench of former government enforcement attorneys, along with trusted subject-matter experts in healthcare, AI, antitrust, and trade secrets, make us well-positioned to navigate future government interactions to the best outcome.