

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

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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.