

# 2021 Consumer Data Privacy Legislation **MauriceWutscher**

LEGISLATION	THRESHOLDS/APPLICABILITY	RIGHT TO KNOW	RIGHT TO CORRECT	RIGHT TO DELETE	RIGHT TO OPT-OUT/RESTRICT PROCESSING	HIPAA/FCRA/GLBA EXEMPTION	CONTRACT REQUIREMENTS	SECURITY STANDARDS/RISK ASSESSMENTS	PRIVATE RIGHT OF ACTION	RIGHT TO CURE	CIVIL PENALTIES	RULEMAKING	STATUS 12/15/2021
<a href="#">AK HB 159 (SB 116)</a>	An entity doing business in Alaska and: 1. has annual gross revenues of \$25,000 or more; 2. bought or disclosed the PI of 100,000 or more persons or households; or 3. sold the PI of a consumer, household, or device in the last 365 days.	X		X	X	X			X		Deceptive trade practice.	X	Did not pass.
<a href="#">AK SB 116 (HB 159)</a>	An entity doing business in Alaska and: 1. has annual gross revenues of \$25,000 or more; 2. bought or disclosed the PI of 100,000 or more persons or households; or 3. sold the PI of a consumer, household, or device in the last 365 days.	X		X	X	X			X		Deceptive trade practice.	X	Did not pass.
<a href="#">AL HB 216</a>	Any business, or entity controlled by the business and sharing common branding, that: 1. is for-profit; 2. does business in Alabama; 3. collects consumers' personal information ("PI"); and 4. determines the purposes and means of processing consumers' PI.	X		X	X	X			X	X	Deceptive trade practice.	X	Did not pass.
<a href="#">CO SB 21-190</a>	<b>A controller that conducts business in Colorado, or produces products or services targeted to Coloradans, and:</b> <b>1. Controls or processes the personal data of 100,000 or more consumers per year; or</b> <b>2. Derives revenue or receives a discount on the price of goods or services from the sale of personal data and processes or controls the personal data of 25,000 or more consumers.</b>	X	X	X	X	X	X	X			Not more than \$20,000.		Enacted.
<a href="#">CT SB 893</a>	Persons that conduct business in Connecticut or persons that produce products or services that are targeted to residents of this state and that: (1) During a calendar year, control or process personal data of not less than 100,000 consumers; or (2) control or process personal data of not less than twenty-five thousand consumers and derive more than 50% of their gross revenue from the sale of personal data.	X	X	X	X	X	X	X		X	Not to exceed \$7,500.		Did not pass.
<a href="#">FL HB 969 (Senate CS 04/28)</a>	For-profit entity doing business in Florida that collects PI, determines the purposes and means of processing PI and: 1. Controls the processing of the personal information of 100,000 or more consumers; or 2. Controls or processes the personal information of at least 25,000 consumers and derives over 50% or more of its global annual revenues from selling personal information.	X	X	X	X	X	X			X	Not more than \$2,500 for each violation.	X	Did not pass.
<a href="#">FL SB 1734 (CS 04-07)</a>	For-profit entity doing business in Florida that collects PI, determines the purposes and means of processing PI and: 1. Annually buys, receives, sells, or shares the PI of 100,000 or more consumers, households, or devices; or 3. Derives 50% or more of its global annual revenues from selling or sharing PI.	X	X	X	X	X	X			X	Not more than \$2,500 for each unintentional violation or \$7,500 for each intentional violation.	X	Did not pass.
<a href="#">IL HB 3910</a>	For-profit entity that collects consumers' PI and: 1. Has annual gross revenues in excess of \$25,000,000; 2. Annually buys, receives, sells or shares for commercial purposes the PI of 50,000 or more consumers, households, or devices; or 3. Derives 50% or more of its annual revenues from selling consumers' PI.	X		X	X	X	X		X	X	Not more than \$2,500 for each unintentional violation or \$7,500 for each intentional violation.	X	Did not pass.
<a href="#">KY HB 408</a>	Business that: 1. Collects and maintains personal information from consumers who reside in Kentucky and use or visit the website; and 2. Purposefully directs its activities toward Kentucky, consummates a transaction with a resident of Kentucky, purposefully avails itself of the privilege of conducting activities in Kentucky, or otherwise engages in any activity that constitutes sufficient nexus with Kentucky; and 3. Satisfies one of the following: a. has AGR in excess of \$25M; b. annually buys, receives, sells or shares PI of 50,000 consumers; or c. derives 50% or more of AR from selling PI.	X	X		X	X				X	Not more than \$5,000.		Did not pass.
<a href="#">MD SB 930</a>	A for-profit business that collects consumers' PI and: 1. Has AGR in excess of \$25M; 2. Annually buys receives, sells or shares the PI of 100,000 or more consumers, households or devices; or 3. Derives at least 50% of its annual revenue from selling consumers' PI.	X		X	X	X			X As an unfair, abusive, or deceptive trade practice under Md. Code Ann., Com. Law § 13-101, et seq.		X As an unfair, abusive, or deceptive trade practice under Md. Code Ann., Com. Law § 13-101, et seq.	X	Did not pass.
<a href="#">MA HB 142</a>	An entity that conducts business in the Commonwealth of Massachusetts, processes personal information by itself or by contracting with a data processor, and: (i) has earned or received 10 million or more dollars of annual revenue through 300 or more transactions, or (ii) processes or maintains the personal information of 10,000 or more unique individuals during the course of a calendar year.	X	X	X	X	HIPAA only. Otherwise, covers businesses that are subject to federal laws concerning the processing of individuals' personal information to the extent that (i) this chapter provides stronger privacy protections for individuals than those federal laws; and (ii) those federal laws do not explicitly preempt state laws.	X	X	Liquidated damages of not less than 0.15% of the annual global revenue of the 736 covered entity or \$15,000 per violation, whichever is greater; ii. punitive damages; and iii. any other relief, including but not limited to an injunction.		Not less than 0.15% of the annual global revenue of the covered entity, data processor, or third-party or \$15,000, whichever is greater, per individual violation; or more than 4% of the covered entity's annual global revenue, data processor, or third-party or \$20,000,000, whichever is greater, for multiple violations that affect multiple individuals.	X Creates the Massachusetts Information Privacy Commission	Pending.
<a href="#">MA SB 46</a>	An entity that conducts business in the Commonwealth of Massachusetts, processes personal information by itself or by contracting with a data processor, and: (i) has earned or received 10 million or more dollars of annual revenue through 300 or more transactions, or (ii) processes or maintains the personal information of 10,000 or more unique individuals during the course of a calendar year.	X	X	X	X	HIPAA only. Otherwise, covers businesses that are subject to federal laws concerning the processing of individuals' personal information to the extent that (i) this chapter provides stronger privacy protections for individuals than those federal laws; and (ii) those federal laws do not explicitly preempt state laws.	X	X	Liquidated damages of not less than 0.15% of the annual global revenue of the covered entity or \$15,000 per violation, whichever is greater; ii. punitive damages; and iii. any other relief, including but not limited to an injunction.		Not less than 0.15% of the annual global revenue of the covered entity, data processor, or third-party or \$15,000, whichever is greater, per individual violation; or more than 4% of the covered entity's annual global revenue, data processor, or third-party or \$20,000,000, whichever is greater, for multiple violations that affect multiple individuals.	X Creates the Massachusetts Information Privacy Commission	Pending.

<a href="#">ME SB 535</a>	A for-profit entity that collects consumers' PI, determines the purposes and means of the processing of consumers' PI, does business in the Maine, and that satisfies one or more of the following thresholds: (1) Has annual gross revenues in excess of \$25,000,000; (2) Alone or in combination annually buys, receives for the business's commercial purposes, sells or shares for commercial purposes alone or in combination the personal information of 50,000 or more consumers, households or devices; or (3) Derives 50% or more of its annual revenues from selling consumers' personal information.	X		X	X	X				Not less than \$100 and not greater than \$750 per incident or actual damages, whichever is greater.	X	Not more than \$2,500 for each violation or \$7,500 24 for each intentional violation.	X	Did not pass.
<a href="#">MN HF 36</a>	A business that: (1) has annual gross revenues in excess of \$25,000,000; (2) annually buys or sells the personal information of 50,000 or more consumers, households, or devices; or (3) derives 50 percent or more of the business's annual revenues from selling consumers' personal information.	X		X	X					Not less than \$100 and not more than \$750, or actual damages, whichever is greater.	X	An amount to be determined by the court, not in excess of \$ 25,000.		Did not pass.
<a href="#">MN HF 1492 (SF 1492)</a>	Legal entities that conduct business in Minnesota or provide products or services targeted to Minnesota residents and: 1. control or process PI of 100,000 or more consumers; or 2. derive over 25% of gross revenue from the sale of PI and process or control the PI of 25,000 or more consumers.	X	X	X	X	X	X	X			X	Not more than \$7,500 for each violation.		Did not pass.
<a href="#">MN SF 1408 (HF 1492)</a>	Legal entities that conduct business in Minnesota or provide products or services targeted to Minnesota residents and: 1. control or process PI of 100,000 or more consumers; or 2. derive over 25% of gross revenue from the sale of PI and process or control the PI of 25,000 or more consumers.	X	X	X	X	X	X	X			X	Not more than \$7,500 for each violation.		Did not pass.
<a href="#">MS SB 2612</a>	For-profit business that determines the purposes and means of the processing of consumers' personal information, that does business in Mississippi, and that satisfies one or more of the following thresholds: 1. Has annual gross revenues in excess of Ten Million Dollars (\$10,000,000.00); 2. Alone or in combination, annually buys, receives for the business's commercial purposes, sells, or shares for commercial purposes, alone or in combination, the personal information of fifty thousand (50,000) or more consumers, households, or devices; and 3. Derives fifty percent (50%) or more of its annual revenues from selling consumers' personal information.	X		X	X					Not less than One Hundred Dollars (\$100.00) and not greater than Seven Hundred Fifty Dollars (\$750.00) per consumer per incident or actual damages, whichever is greater	X	Up to Seven Thousand Five Hundred Dollars (\$7,500.00) for each violation.	X	Did not pass.
<a href="#">NJ A 3255</a>	For-profit business that collects consumers' PI and determines the purposes and means of processing the PI, that does business in NJ, and: 1. has AGR of \$25M or more; or 2. derives 50% or more of AR from the sale of PI; or 3. annually buys, receives, sells or shares PI of at least 50,000 consumers.	X		X		X						Unlawful practice, N.J. Stat. § 56:8-1.1, et seq. (up to \$10,000 for a first offense and not more than \$20,000 for a subsequent offense)	X	Pending.
<a href="#">NJ A 3283</a>	Controller, defined as a person or legal entity that collects, maintains, and determines the purposes and means of processing PI.	X	X	X			X	X	X			Unlawful practice, N.J. Stat. § 56:8-1.1, et seq. (up to \$10,000 for a first offense and not more than \$20,000 for a subsequent offense)	X	Pending.
<a href="#">NJ S 260</a>	Entity doing business in NJ and: 1. has an annual gross revenue of \$5,000,000 or more; 2. derives 50 percent or more of its annual revenue from selling the personally identifiable information of data subjects; or 3. alone or in combination, annually buys, receives, sells, or shares for commercial purposes the personally identifiable information of at least 25,000 data subjects.	X	X		X					Not less than \$100 and not more than \$750 per data subject per security incident, or actual damages, whichever is greater.		Unlawful practice, N.J. Stat. § 56:8-1.1, et seq.	X	Pending.
<a href="#">NY A 680</a>	Legal entities that conduct business in New York state or produce products or services that are intentionally targeted to residents of New York state.	X	X	X	X	No FCRA exemption.	X		X			X		Pending.
<a href="#">NY AB 3709 (S 567)</a>	A for-profit business that collects consumers' PI, does business in New York and: 1. Has annual gross revenue over \$50M; 2. Annually sells the PI of 100,000 or more consumers or devices; or 3. Derives 50% or more of its annual revenue from selling consumers' PI.	X			X	No GLBA exemption.		X	X					Pending.
<a href="#">NY S 567 (AB 3709)</a>	A for-profit business that collects consumers' PI, does business in New York and: 1. Has annual gross revenue over \$50M; 2. Annually sells the PI of 100,000 or more consumers or devices; or 3. Derives 50% or more of its annual revenue from selling consumers' PI.	X			X	No GLBA exemption.		X	X					Pending.
<a href="#">NY S 6701</a>	Persons that conduct business in NY or produce products or services that are targeted to NY residents and: 1. have annual gross revenue of \$25M or more; or 2. control or process personal data of 100,000 or more consumers; or 3. control or process personal data of 500,000 or more persons nationwide and control or process personal data of 10,000 consumers; or 4. derive over 50% of gross revenue from the sale of personal data and control or process personal data of 25,000 or more consumers.	X	X	X				X	X	Actual damages or \$1,000, whichever is greater.		Not more than \$15,000 per violation.	X	Pending.
<a href="#">NC SB 569</a>	Persons that conduct business in NC or produce products or services that are targeted to residents of this State and that either (i) during a calendar year, control or process personal data of at least 100,000 consumers or (ii) control or process personal data of at least 25,000 consumers and derive over fifty percent (50%) of gross revenue from the sale of personal data.	X	X	X	X		X	X	X		X	Up to \$5,000 for each violation.		Did not pass.

<a href="#">OH HB 376</a>	A business that conducts business in Ohio, or whose products or services target consumers in Ohio, and that meets any of the following criteria: 1. Gross annual revenue exceeds \$25 million; 2. Controls or processes personal data of 100,000 or more consumers during a calendar year; 3. During a calendar year, derives more than 50% of gross revenue from (1) the sale of personal data and (2) processes or controls personal data of 25,000 or more consumers.	X		X	X	X		X		X	Not less than \$100 and not more than \$750 per violation.	Pending.
<a href="#">OK HB 1602</a>	Business that does business in Oklahoma, collects PI and determines the purpose for and means of processing the PI and: 1. Has AGR in excess of \$10M; or 2. annually buys, sells, or receives or shares the PI of 50,000 or more consumers, households or devices.	X		X	X	X		X		X	Up to \$2,500, or \$7,500 if intentional.	Did not pass.
<a href="#">PA HB 1126</a>	For-profit business that collects consumers' PI and determines the purposes and means of processing the PI, that does business in PA, and: 1. has AGR in excess of \$10M; or 2. annually buys, receives, sells or shares the PI of 50,000 or more consumers, households or devices; or 3. derives 50% or more of annual revenue from the sale of PI.	X			X					X	Up to \$7,500 for each violation.	Pending.
<a href="#">TX HB 3741</a>	A business that: (1) does business in this state; (2) has more than 50 employees; (3) collects the personal identifying information of more than 5,000 individuals, households, or devices or has that information collected on the business's behalf; and (4) satisfies one or more of the following thresholds: (A) has annual gross revenue in an amount that exceeds \$25 million; or (B) derives 50 percent or more of the business's annual revenue by processing personal identifying information.	X	X	X		X					Not more than \$10,000 for each violation, not to exceed a total amount of \$1 million.	Did not pass.
<a href="#">UT SB 200</a>	Any controller or processor who: (a) (i) conducts business in the state; or (ii) produces a product or service that is targeted to residents of the state; and (b) satisfies one or more of the following thresholds: (i) during a calendar year, controls or processes personal data of 100,000 or more consumers; or (ii) derives over 50% of the entity's gross revenue from the sale of personal data and controls or processes personal data of 25,000 or more consumers.	X	X	X	X	X		X		X	Actual damages to the consumer; and for each violation of this chapter, an amount not to exceed \$1,000 per consumer affected by the violation.	Did not pass.
<a href="#">VA HB 2307</a>	Persons that conduct business in Virginia or produce products or services targeted to residents and: 1. Control or process personal data of at least 100,000 consumers; or 2. Control or process personal data of at least 25,000 consumers and derive over 50% gross revenue from the sale of personal data.	X	X	X	X	X		X		X	Up to \$7,500	Enacted
<a href="#">VA SB 1392</a>	Persons that conduct business in Virginia or produce products or services targeted to residents and: 1. Control or process personal data of at least 100,000 consumers; or 2. Control or process personal data of at least 25,000 consumers and derive over 50% gross revenue from the sale of personal data.	X	X	X	X	X		X		X	Up to \$7,500	Enacted
<a href="#">WA SB 5062 (2nd Substitute)</a>	Legal Entities that conduct business in Washington or produce products or services targeted to residents, and: 1. Control or process personal data of 100,000 consumers or more; or 2. Derive over 25% of gross revenue from the sale of personal data and process or control personal data of 25,000 consumers or more.	X	X	X	X	X		X	X	X	Up to \$7,500	Did not pass.
<a href="#">WV HB 3159</a>	Businesses doing business in West Virginia that collect consumers' personal information ("PI"), determine the purposes and means of processing the PI, and: 1. Have global gross revenue over \$25M; or 2. Annually buy, receive, sell or share the PI of 50,000 or more consumers; or 3. Derive 50% or more of its global annual revenues from selling or sharing PI.	X	X	X	X			X		X	Up to \$7,500	Did not pass.