

2023 Data Privacy Legislation

LEGISLATION	STATUS 12/14/2023	THRESHOLDS/APPLICABILITY	RIGHT TO KNOW AND ACCESS	RIGHT TO CORRECT	RIGHT TO DELETE	RIGHT TO OPT OUT/ RESTRICT CERTAIN PROCESSING	OPT IN FOR PROCESSING SENSITIVE DATA	GLBA EXEMPTION	SPECIFIC CONTRACT REQUIREMENTS	SPECIFIC SECURITY STANDARDS	RISK ASSESSMENTS	PRIVATE RIGHT OF ACTION	RIGHT TO SUIT	CIVIL PENALTY	RULEMAKING	
DELAWARE HB 343 Delaware Personal Data Privacy Act	Enacted 6/11/23	Persons that conduct business in the State or persons that produce products or services that are targeted to residents of the State and that during the preceding calendar year did any of the following: (1) Controlled or processed the personal data of not less than 35,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction. (2) Controlled or processed the personal data of not less than 10,000 consumers and derived more than 20% of their gross revenue from the sale of personal data.	X	X	X	X	X	X Entry Level	X		If the controller controls or processes the data of not less than 100,000 consumers, and the processing involves: 1. The processing of personal data for the purposes of targeted advertising; 2. The sale of personal data; 3. The processing of personal data for the purposes of certain profiling; or 4. The processing of sensitive data.		X	Up to \$5,000 per violation.		
FLORIDA HB 1442	Failed.	Controller: A sole proprietorship, partnership, limited liability company, corporation, association, or legal entity that meets the following requirements: a. Is organized or operated for the profit or financial benefit of its shareholders or owners; b. Does business in this state; c. Collects personal information about consumers, or is the entity on behalf of which such information is collected; d. Determines the purposes and means of processing personal information about consumers alone or jointly with others; e. Makes in excess of \$1 billion in gross revenues; and f. Satisfies one of the following: (i) Derives 50 percent or more of its global annual revenues from providing targeted advertising or the sale of such online; or (ii) Operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation. For purposes of this sub-sub-paragraph, a consumer smart speaker and voice command component service does not include a motor vehicle or speaker or device associated with or connected to a vehicle. (iii) Operates an app store or a digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.	X	X	X	X		X Data Level Entry Level No targeted advertising and no selling or sharing unless covered by an exception.	X				X	Up to \$50,000 per violation.	X	
FLORIDA SB 262	Enacted 6/1/23	Controller: A sole proprietorship, partnership, limited liability company, corporation, association, or legal entity that meets the following requirements: 1. Is organized or operated for the profit or financial benefit of its shareholders or owners; 2. Conducts business in this state; 3. Collects personal information about consumers, or is the entity on behalf of which such information is collected; 4. Determines the purposes and means of processing personal information about consumers alone or jointly with others; 5. Makes in excess of \$1 billion in gross revenues; and 6. Satisfies one of the following: a. Derives 50 percent or more of its global annual revenues from providing targeted advertising or the sale of such online; or b. Operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation. For purposes of this sub-sub-paragraph, a consumer smart speaker and voice command component service does not include a motor vehicle or speaker or device associated with or connected to a vehicle which is operated by a motor vehicle manufacturer or a subsidiary or affiliate thereof; or c. Operates an app store or a digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.	X	X	X	X	X	X Data & Entry Level	X		For the following processing activities involving personal data: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.		X	Up to \$50,000 per violation.	X	
HAWAII HB 1497 (SB 1110)	Did not pass; adjourned.	Persons that conduct business in the State or produce products or services that are targeted to residents of the State and: (1) During a calendar year, 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% of gross revenue from the sale of personal data.	X	X	X	X	X	X Data & Entry Level	X		(3) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	Damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be awarded a sum not less than \$1,000 or treblefold damages by the plaintiff sustained, whichever sum is the greater. Haw. Rev. Stat. Ann. § 480-1.3		Not less than \$500 nor more than \$10,000 for each violation. Haw. Rev. Stat. Ann. § 480-1.3	X	
HAWAII SB 974	Did not pass; adjourned.	Persons that conduct business in Hawaii or produce products or services that are targeted to residents of the State and: 1. During a calendar year, 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 25% of gross revenue from the sale of personal data.	X	X	X	X	X	Nonpublic personal information, as defined in the Gramm-Leach-Bliley Act.	X		(1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.		X	Civil penalties of up to \$7,500 for each violation.	X	
HAWAII SB 1130 (HB 1497)	Did not pass; adjourned.	Persons that conduct business in the State or produce products or services that are targeted to residents of the State and: (1) During a calendar year, 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% of gross revenue from the sale of personal data.	X	X	X	X	X	X Data & Entry Level	X		(3) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	Damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be awarded a sum not less than \$1,000 or treblefold damages by the plaintiff sustained, whichever sum is the greater. Haw. Rev. Stat. Ann. § 480-1.3		Not less than \$500 nor more than \$10,000 for each violation. Haw. Rev. Stat. Ann. § 480-1.3	X	
ILLINOIS HB 3385 Illinois Data Privacy and Protection Act	Did not pass; adjourned.	Any entity or any person, other than an individual acting in a non-commercial context, that alone or jointly with others determines the purposes and means of collecting, processing, or transferring covered data.	X	X	X	X	X		X	X	Annual certification of compliance if a large data holder. Each covered entity that is not a small business must conduct a privacy impact assessment.					(1) an amount equal to the sum of any compensatory, liquidated, or punitive damages; (2) injunctive relief; and (3) declaratory relief; and (4) reasonable attorney's fees and litigation costs.
INDIANA HB 1554	Did not pass; adjourned.	Any person that conducts business in Indiana or produces products or services that are targeted to residents of Indiana and that during a calendar year: (1) controls or processes personal data of at least 100,000 consumers; or (2) controls or processes personal data of at least 25,000 consumers and derives more than 50% of gross revenue from the sale of personal data.	X	X	X	X	X	X Data & Entry Level	X	X	For processing activities involving: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.		X	Civil penalty not to exceed \$7,500 per violation.		
INDIANA SB 5	Enacted 5/1/2023.	Any person that conducts business in Indiana or produces products or services that are targeted to residents of Indiana and that during a calendar year: (1) controls or processes personal data of at least 100,000 consumers; or (2) controls or processes personal data of at least 25,000 consumers and derives more than 50% of gross revenue from the sale of personal data.	X	X	X	X	X	X Data & Entry Level	X	X	For processing activities involving personal data: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.		X	Civil penalty not to exceed \$7,500 per violation.		
IOWA HF 346 (Iowa Health Study Bill 3)	Withdrawn.	A person conducting business in the state or producing products or services that are targeted to residents of the state and that during a calendar year does either of the following: a. Controls or processes personal data of at least 100,000 consumers; b. Controls or processes personal data of at least 25,000 consumers and derives over 50% of gross revenue from the sale of personal data.	X		X	X		X Data & Entry Level	X				X	Up to \$7,500 for each violation under this chapter.		
IOWA HF 362 (Iowa Health Study Bill 107)	Enacted 1/26/2023.	A person conducting business in the state or producing products or services that are targeted to residents of the state and that during a calendar year does either of the following: a. Controls or processes personal data of at least 100,000 consumers; b. Controls or processes personal data of at least 25,000 consumers and derives over 50% of gross revenue from the sale of personal data.	X		X	X		X Data & Entry Level	X				X	Up to \$7,500 for each violation under this chapter.		
KENTUCKY HB 361	Failed; adjourned.	Persons that conduct business in Kentucky or produce products or services that are targeted to residents of this state and that during a calendar year control or process personal data of at least: (a) 100,000 consumers; or (b) 25,000 consumers and derive over 50% of gross revenue from the sale of personal data.	X		X	X		X Data & Entry Level	X				X	Up to \$7,500 for each violation.		
KENTUCKY SB 15	Failed; adjourned.	Persons that conduct business in Kentucky or produce products or services that are targeted to residents of this state and that during a calendar year: (a) Control or process personal data of at least 25,000 consumers; or (b) Derive over 40% of gross revenue from the sale of personal data.	X		X	X	X	X Data & Entry Level	X		Where: (a) The processing of personal data for the purposes of targeted advertising or tracking; (b) The processing of personal data for the purposes of selling or sharing the personal data; (c) The processing of personal data for the purposes of profiling, where such profiling presents a reasonably foreseeable risk of: 1. Unfair or deceptive treatment of consumers or disparate impact on consumers; 2. Financial, physical, or reputational injury to consumers; 3. A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or 4. Any other substantial injury to consumers; (d) The processing of sensitive data; and (e) Any processing of personal data that presents a heightened risk of harm to consumers.		X	The Attorney General may initiate an action and seek damages for up to \$7,500 for each continued violation.		
LOUISIANA SB 100 Louisiana Consumer Privacy Act	Failed; adjourned.	Any controller or processor who conducts business in this state or produces a product or service that is targeted to consumers who are residents of this state who satisfy both of the following: (1) Has an annual revenue of twenty-five million dollars or more. (2) Satisfies any of the following criteria: (a) During a calendar year, controls or processes the personal data of at least one hundred thousand consumers. (b) Derives over fifty percent of the entity's gross revenue from the sale of personal data and controls or processes the personal data of twenty-five thousand or more consumers.	X	X	X	X		X Data & Entry Level	X		If processing presents a heightened risk of harm, including: (1) Processing personal data for purposes of targeted advertising or for profiling; (2) Selling personal data; (3) Processing sensitive data.		X	An amount not to exceed \$7,500.		
MAINE LO 1973 (OP 802 Maine Consumer Privacy Act)	Work Session 10/17/2023.	Persons that conduct business in this State or persons that produce products or services that are targeted to residents of this State and that during the preceding calendar year: A. Controlled or processed the personal data of not less than 100,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or B. Controlled or processed the personal data of not less than 25,000 consumers and derived more than 25% of gross revenue from the sale of personal data.	X	X	X	X		X Data & Entry Level	X		Opt in required if processing is for the purposes of targeted advertising, the sale of personal data or profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer, or if the processing involves sensitive personal data.		X	Not more than \$10,000 for each intentional violation.		

2023 Data Privacy Legislation

Bill/Act	Status	Description	Effective Date	Consumer	Business	Government	Health	Education	Financial	Other	Key Provisions	Penalties	Notes		
MADRID 0177 (HJR 177) Maine Data Privacy and Protection Act	Public Hearing/Work Session 10/17/2023	Covered entity" means a person, other than an individual acting in a non-commercial context, that alone or jointly with others determines the purposes and means of collecting, processing or transferring covered data.		X	X	X					General restrictions on processing dependent on the purpose.	Annually if the covered entity is not a small business, or if such a covered entity uses a "covered algorithm."	\$5,000 per individual per violation or actual damages, whichever is greater. Also allow for punitive damages, injunctive relief, declaratory relief and attorney's fees and costs.	Yes, amount unspecified.	
MARYLAND HB 807 (H.R. 691)	Failed; adjourned	A person that: (1) Conducts business in Maryland; OR (2) (i) Produces services or products that are targeted to residents of Maryland; AND (ii) During the immediately preceding calendar year: 1. Controlled or processed the personal data of at least 100,000 consumers; OR 2. Controlled or processed the personal data of at least 25,000 consumers and derived more than 25% of its gross revenue from the sale of personal data.		X	X	X					X Entry Level	If processing presents a heightened risk of harm: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of sensitive data; (4) The processing of personal data for purposes of profiling; (5) Other substantial injury to a consumer.	X	A violation is an unfair, abusive, or deceptive trade practice that is subject to enforcement and penalties under the Maryland Consumer Protection Act.	
MARYLAND SB 807 (H.R. 801)	Failed; adjourned	A person that: (1) Conducts business in Maryland; OR (2) (i) Produces services or products that are targeted to residents of Maryland; AND (ii) During the immediately preceding calendar year: 1. Controlled or processed the personal data of at least 100,000 consumers; OR 2. Controlled or processed the personal data of at least 25,000 consumers and derived more than 25% of its gross revenue from the sale of personal data.		X	X	X					X Entry Level	If processing presents a heightened risk of harm: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of sensitive data; (4) The processing of personal data for purposes of profiling; (5) Other substantial injury to a consumer.	X	A violation is an unfair, abusive, or deceptive trade practice that is subject to enforcement and penalties under the Maryland Consumer Protection Act.	
MASSACHUSETTS H 2781 Massachusetts Data Privacy Protection Act	Referred to joint Committee	"Covered entity" any entity or any person, other than an individual acting in a non-commercial context, that alone or jointly with others determines the purposes and means of collecting, processing, or transferring covered data. The term "covered entity" does not include: any entity or person that meets the following criteria for the period of the 3 preceding calendar years (or for the period during which the covered entity or service provider has been in existence if such period is less than 3 years): - the entity or person's average annual gross revenues during the period did not exceed \$20,000,000; - the entity or person, on average, did not annually collect or process the covered data of more than 25,000 individuals during the period beyond the purpose of marketing, rendering, billing for, finalizing, completing, or otherwise collecting payment for a requested service or product, so long as all covered data for such purpose was deleted or de-identified within 90 days, except when necessary to investigate fraud or to consistent with a covered entity's return policy; and - no component of its revenue comes from transferring covered data during any year (or part of a year if the covered entity has been in existence for less than 1 year) that occurs during the period.		X	X	X					X	For a large data holder that uses a covered algorithm in a manner that poses a consequential risk of harm to an individual or group of individuals.	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.	Not less than 0.15% of the annual global revenue or \$15,000, whichever is greater, per violation; and not more than 4% of the annual global revenue of the covered entity, data processor, or third-party or \$20,000,000, whichever is greater, per action. Each action includes multiple violations to multiple individuals.	
MASSACHUSETTS S 25 Massachusetts Data Privacy Protection Act	Referred to joint Committee	"Covered entity" any entity or any person, other than an individual acting in a non-commercial context, that alone or jointly with others determines the purposes and means of collecting, processing, or transferring covered data. The term "covered entity" does not include: any entity or person that meets the following criteria for the period of the 3 preceding calendar years (or for the period during which the covered entity or service provider has been in existence if such period is less than 3 years): - the entity or person's average annual gross revenues during the period did not exceed \$20,000,000; - the entity or person, on average, did not annually collect or process the covered data of more than 25,000 individuals during the period beyond the purpose of marketing, rendering, billing for, finalizing, completing, or otherwise collecting payment for a requested service or product, so long as all covered data for such purpose was deleted or de-identified within 90 days, except when necessary to investigate fraud or to consistent with a covered entity's return policy; and - no component of its revenue comes from transferring covered data during any year (or part of a year if the covered entity has been in existence for less than 1 year) that occurs during the period.		X	X	X					X	For a large data holder that uses a covered algorithm in a manner that poses a consequential risk of harm to an individual or group of individuals.	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.	Not less than 0.15% of the annual global revenue or \$15,000, whichever is greater, per violation; and not more than 4% of the annual global revenue of the covered entity, data processor, or third-party or \$20,000,000, whichever is greater, per action. Each action includes multiple violations to multiple individuals.	
MASSACHUSETTS S 277 Massachusetts Information Privacy and Security Act	Referred to joint Committee 11/2/2023	This chapter shall apply to: (1) a controller or processor that conducts business in the commonwealth; and (2) the processing of personal information by a controller or processor not physically established in the commonwealth, where the processing activities are related to: (i) the offering of goods or services that are targeted to individuals; or (ii) the monitoring of behavior of individuals where such behavior takes place in the commonwealth; and (3) an entity that voluntarily certifies to the attorney general that it is fully in compliance with, and agrees to be bound by, this chapter.		X	X	X					X Data Level	(1) processing personal information for the purposes of: (i) the sale of the personal information; (ii) targeted cross-contextual advertising; or (iii) targeted first-party advertising; (2) processing personal information for the purposes of profiling or otherwise that otherwise presents certain foreseeable risks; (3) processing sensitive information; and (4) any other processing that is likely to result in a high risk of harm to individuals.			
MICHIGAN SB 654 Michigan Personal Data Privacy Act	First chamber in committee	A person that does both of the following: (a) Conducts business in this state or produces products or services that are targeted to residents of this state; (b) During a calendar year, does either of the following: (1) Controls or processes personal data of at least 100,000 consumers; (2) Controls or processes personal data of at least 25,000 consumers and derives any revenue from the sale of personal data. Certain sections only apply to a controller if: (1) the controller had annual global gross revenues in excess of \$25,000,000 dollars; (2) the controller was a data holder; or (3) the controller determined the purposes and means of processing the personal information of not less than 100,000 individuals, excluding personal information processed solely for the purpose of completing a payment only credit, check or cash transaction where no personal information is retained about the individual entering into the transaction.		X	X	X					X Data & Entry Level	Consent required to process any personal data.	A consumer may bring a civil action seeking: (a) Actual damages; (b) Injunctive or declaratory relief; (c) Any other relief the court deems appropriate.	Not more than \$750 for each violation.	
MINNESOTA HF 1367	Did not pass; adjourned	A business that: (1) has annual gross revenues in excess of \$25,000,000; (2) annually buys or sells the personal information of 100,000 or more individuals, households, or devices; or (3) derives 50 percent or more of the business's annual revenues from selling personal information.		X	X	X					X		Any person injured by a violation of this chapter may bring a civil action to receive or recover: (1) Damages not less than \$100 and not more than \$750 per consumer, per violation, or the consumer's actual damages, whichever is greater; (2) The costs of investigation and reasonable attorney fees; (3) Other equitable relief as determined by the court; and (4) In the case of a willful and malicious violation, exemplary damages in an amount not exceeding three times other damages awarded.	The Attorney General may enforce any provision in accordance with Minn. Stat. Ann. § 8.31.	
MINNESOTA HF 1892 (SF 950)	Did not pass; adjourned	Businesses that conduct business in Minnesota or produce products or services that are targeted to residents of Minnesota.										Opt in required for any collection, use or disclosure.		Not more than \$7,500 for each violation.	
MINNESOTA HF 2369 (SF 911)	Did not pass; adjourned	Legal entities that conduct business in Minnesota or produce products or services that are targeted to residents of Minnesota, and that satisfy one or more of the following thresholds: (1) during a calendar year, control or processes personal data of 100,000 consumers or more; or (2) derives over 25% of gross revenue from the sale of personal data and processes or controls personal data of 25,000 consumers or more.		X	X	X					X Data Level	A controller must conduct, document, and maintain a data privacy and protection assessment that describes the policies and procedures; it has adopted to comply with the provisions of the act. Data privacy and protection assessments conducted for the purpose of compliance with other laws or regulations may qualify if they have a similar scope and effect.	X	Not more than \$7,500 for each violation.	
MINNESOTA SF 910	Did not pass; adjourned	Businesses that conduct business in Minnesota or produce products or services that are targeted to residents of Minnesota.										Opt in required for any collection, use or disclosure.		Not more than \$7,500 for each violation.	
MINNESOTA SB 3915 (HF 1298) Minnesota Consumer Data Privacy Act	Did not pass; adjourned	Legal entities that conduct business in Minnesota or produce products or services that are targeted to residents of Minnesota, and that satisfy one or more of the following thresholds: (1) during a calendar year, control or processes personal data of 100,000 consumers or more; or (2) derives over 25% of gross revenue from the sale of personal data and processes or controls personal data of 25,000 consumers or more.		X	X	X					X Data Level	A controller must conduct, document, and maintain a data privacy and protection assessment that describes the policies and procedures; it has adopted to comply with the provisions of the act. Data privacy and protection assessments conducted for the purpose of compliance with other laws or regulations may qualify if they have a similar scope and effect.	X	Not more than \$7,500 for each violation.	
MISSISSIPPI SB 2086 Mississippi Consumer Data Privacy Act	Did not pass; adjourned	A legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that collects consumer personal information, or on the behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumer 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 \$100,000,000; 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 10,000 or more consumers, households, or devices; and 3. Derives 10% percent (10%) or more of its annual revenues from selling consumer personal information.		X	X	X					X		For breach resulting from failure to implement reasonable security measures.	X Up to \$7,500 for each violation.	
MONTANA SB 384	Enacted 5/19/2023	Persons that conduct business in Montana or persons that produce products or services that are targeted to residents of Montana and: (1) control or process the personal data of not less than 100,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or (2) control or process the personal data of not less than 25,000 consumers and derive more than 25% of gross revenue from the sale of personal data.		X	X	X					X Data & Entry Level			X	A violation shall be constituted as an unfair method of competition or any other or deceptive act or practice in the conduct of any trade or business within this state under RSA 358-A:2, civil penalties up to \$10,000 for each violation.
NEW HAMPSHIRE SB 255	Second Chamber; held for committee year action	Persons that conduct business in New Hampshire or persons that produce products or services that are targeted to residents of New Hampshire.		X	X	X					X Data & Entry Level			X	A violation shall be constituted as an unfair method of competition or any other or deceptive act or practice in the conduct of any trade or business within this state under RSA 358-A:2, civil penalties up to \$10,000 for each violation.

2023 Data Privacy Legislation

State	Bill Number	Committee	Stage	Effective Date	Key Provisions	Category	Impact	Penalty	Notes						
NEW JERSEY	A 656 (S 374)	New Jersey Electronic and Accountability Transparency Act	First Chamber; In Committee; No movement since January 2022	2023	A controller that collects the personally identifiable information of a consumer.	X	X	X	X	A data protection impact statement is required prior to processing any personally identifiable information.	Any violation shall be an unfair practice and violation of P.L. 1966, c.39 (L. 56-B-1 et seq.)	X			
NEW JERSEY	A 1971 (S 332)		First Chamber; Second Reading	2022	Any operator that collects a consumer's personally identifiable information through its commercial internet website or online service and discloses or sells the consumer's personally identifiable information.	X		X	X			X			
NEW JERSEY	S 332 (A 1971)		Second Chamber; Amended; Second Reading	2022	An operator that collects the personally identifiable information of a consumer through a commercial internet website or online service.	X		X	X			X			
NEW YORK	S 308 (S 2077)	Digital Fairness Act	First Chamber; adjourned		A legal entity that conducts business in New York state and as part of such business, processes and maintains the personal information of five hundred or more unique individuals.	X		X	X		\$10,000 or actual damages, whichever is greater.	Up to \$25,000 per violation or up to 4% of annual revenue.	X		
NEW YORK	S 303	New York Privacy Act	First Chamber; adjourned		Legal persons that conduct business in New York or produce products or services that are targeted to residents of New York, and that satisfy one or more of the following thresholds: (a) have annual gross revenue of \$25M or more; (b) controls or processes personal data of 100,000 consumers or more; (c) controls or processes personal data of 50,000 consumers or more nationwide, and controls or processes personal data of 10,000 consumers or more; or (d) derives over 50% of gross revenue from the sale of personal data, and controls or processes personal data of 25,000 consumers or more.	X	X	X	X						
NEW YORK	S 3162		First Chamber; adjourned		A sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that collects consumer personal information, that does business in the state, and that satisfies one or more of the following thresholds: (A) has annual gross revenues in excess of \$50M; (B) annually sells, alone or in combination, the personal information of 100,000 or more consumers or devices; or (C) derives 50% or more of its annual revenues from selling consumers' personal information.	X			X			A violation of this section shall be deemed to constitute an injury in fact to the consumer who has suffered the violation, and the consumer need not suffer a loss of money or property as a result of the violation in order to bring an action for a violation of this section. A consumer shall recover statutory damages in the amount of one thousand dollars or actual damages, whichever is greater.	Up to \$7,500 for each violation.		
NEW YORK	S 3654	New York Privacy Act	First Chamber; adjourned		Legal persons that conduct business in New York or produce products or services that are targeted to residents of New York, and that satisfy one or more of the following thresholds: (a) have annual gross revenue of \$25M or more; (b) controls or processes personal data of 100,000 consumers or more; or (c) derives over 50% of gross revenue from the sale of personal data.	X	X	X	X	For processing that presents a heightened risk of harm to a consumer, including: (A) the processing of personal data for the purposes of targeted advertising; (B) the sale of personal data; (C) the processing of personal data for the purposes of certain profiling; and (D) the processing of sensitive data.		Not more than \$20,000 per violation	X		
NEW YORK	S 1584	Health Information Privacy Act	Second Chamber; adjourned		"Covered organization" means an entity, including a data broker, that offers an electronic health product or service. "Electronic health product or service" means any software or hardware, including a mobile application, website, or other related product or service, that is designed to maintain personal health information, designed to diagnose or designed to offer a medical diagnosis, in order to make such personal health information available to a user or to a health care provider at the request of such user or health care provider, for the purpose of allowing such user to manage or receive information, or for the diagnosis, inferred diagnosis, treatment, or management of a medical condition. "Personal health information" means any individually identifiable information about an individual's mental or physical condition provided by such individual, or otherwise gained from monitoring such individual's mental or physical condition.	X					Consent required to collect, use, disclose, retain or process personal health information.		X	Actual damages and statutory damages of \$500 per violation.	
NEW YORK	S 3654	New York Privacy Act	Second Chamber; adjourned		Legal persons that conduct business in New York or produce products or services that are targeted to residents of New York, and that satisfy one or more of the following thresholds: (a) have annual gross revenue of \$25M or more; (b) controls or processes personal data of 100,000 consumers or more; or (c) derives over 50% of gross revenue from the sale of personal data.	X	X	X	X	For processing that presents a heightened risk of harm to a consumer, including: (A) the processing of personal data for the purposes of targeted advertising; (B) the sale of personal data; (C) the processing of personal data for the purposes of certain profiling; and (D) the processing of sensitive data.		Not more than \$20,000 per violation	X		
NEW YORK	S 2077 (S 3308)	Digital Fairness Act	First Chamber; adjourned		A legal entity that conducts business in New York state and as part of such business, processes and maintains the personal information of five hundred or more unique individuals.	X		X	X		\$10,000 or actual damages, whichever is greater.	Up to \$25,000 per violation or up to 4% of annual revenue.	X		
NEW YORK	S 3162		First Chamber; adjourned		A sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that collects consumer personal information, that does business in the state, and that satisfies one or more of the following thresholds: (A) has annual gross revenues in excess of \$50M; (B) annually sells, alone or in combination, the personal information of 100,000 or more consumers or devices; or (C) derives 50% or more of its annual revenues from selling consumers' personal information.	X			X			A violation of this section shall be deemed to constitute an injury in fact to the consumer who has suffered the violation, and the consumer need not suffer a loss of money or property as a result of the violation in order to bring an action for a violation of this section. A consumer shall recover statutory damages in the amount of one thousand dollars or actual damages, whichever is greater.	Up to \$7,500 for each violation.		
NEW YORK	S 5555	NY State Data Act	First Chamber; adjourned		A sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that collects consumer personal information, or on the behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumer personal information, that does business in the state of New York, and that satisfies one or more of the following thresholds: (1) has annual gross revenues in excess of fifty million dollars; or identified pursuant to paragraph (f) of subdivision one of section six hundred seventy six in of this article; (2) alone or in combination, annually buys, receives the business's commercial purposes, sells, or discloses for commercial purposes, alone or in combination, the personal information of fifty thousand or more consumers, households, or devices; or (3) derives fifty percent or more of its annual revenues from selling consumers' personal information.	X		X			Opt in required unless reasonably necessary to provide a service or conduct an activity that a consumer has requested or is reasonably necessary for security or fraud prevention.		X	Damage not to exceed \$750 per consumer per violation or actual damages, whichever is greater. A violation of this article shall be deemed to constitute an injury in fact to the consumer who has suffered such violation, and the consumer need not suffer monetary or property loss as a result of such violation in order to bring an action.	Up to \$7,500 for each intentional violation and up to \$2,500 for each unintentional violation.
NORTH CAROLINA	S 525	North Carolina Consumer Privacy Act	First Chamber; In Committee		Any controller or processor who: (1) Conducts business in this State or produces a product or service that is targeted to consumers who are residents of this State; (2) Has annual revenue of twenty-five million dollars (\$25,000,000) or more; and (3) Satisfies one or more of the following thresholds: a. During a calendar year, controls or processes personal data of 100,000 or more consumers; or b. Derives over fifty percent (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	Not to exceed \$7,500.	
OHIO	SB 385	Ohio Personal Privacy Act	Introduced 11/29/2023; in committee		Businesses that conduct business in this state, or produce products or services targeted to consumers in this state, that satisfy one or more of the following criteria: (1) The business's annual gross revenues generated in this state exceed \$25M dollars; (2) During a calendar year, the business controls or processes personal data of 100,000 or more consumers; (3) During a calendar year, the business derives over 50% of its gross revenue from the sale of personal data and processes or controls personal data of 25,000 or more consumers.	X	X	X	X			X	Up to \$5,000 for each violation.		
OKLAHOMA	HB 1030	Oklahoma Data Privacy Act	Second Chamber; adjourned		A business that does business in Oklahoma, collects consumers' personal information, determines the purposes and means of the processing of consumer personal information, and that satisfies one or more of the following thresholds: (1) has annual gross that exceeds \$10M, (2) alone or in combination, annually buys, receives, sells, or discloses for commercial purposes, alone or in combination, the personal information of 50,000 or more consumers, households or devices, or (3) derives 25% or more of its annual revenues from selling consumers' personal information.	X		X	X				Not to exceed \$2,500 for each violation, or \$7,500 for each intentional violation.		
OREGON	SB 618		Enacted 7/18/23		Any person that conducts business in this state, or that provides products or services to residents of this state, and that during a calendar year, controls or processes: (a) The personal data of 100,000 or more consumers, other than personal data controlled or processed solely for the purpose of completing a payment transaction; or (b) The personal data of 25,000 or more consumers, while deriving 25 percent or more of the person's annual gross revenue from selling personal data.	X	X	X	X	Also, a financial institution, as defined in ORS 706.008 that is only and directly engaged in financial activities, as described in 12 U.S.C. 184(i).		X	Not more than \$7,500 for each violation.		

2023 Data Privacy Legislation



State	Bill Number	Committee	Effective Date	Targeted Advertising	Do Not Sell	Right to Access	Right to Deletion	Right to Rectification	Right to Portability	Right to Withdraw Consent	Other	Penalty	Notes	
PENNSYLVANIA	HB 708 Consumer Data Protection Act	First Chamber; In Committee.		X	X	X	X	X	X	X		X Data & Entry Level	For the following processing activities: (1) The processing of personal data for the purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for the purposes of profiling; (4) The processing of sensitive data; (5) Any processing activity involving personal data that presents a heightened risk of harm to consumers.	X UP to \$5,500 for each violation under this act.
PENNSYLVANIA	HB 1205 Consumer Data Protection Act	First Chamber; reported out of committee with amendment; laid on table.		X	X	X	X	X	X	X		X Data & Entry Level	if the processing activities present a heightened risk of harm to a consumer, including: (1) The processing of personal data for the purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for the purposes of profiling; (4) The processing of sensitive data.	Violations of the provisions of this act that constitute "unfair methods of competition" and "unfair or deceptive acts or practices" under the Unfair Trade Practices and Consumer Protection Law.
RHODE ISLAND	HB 5245 Rhode Island Personal Data and Online Privacy Protection Act	First Chamber; Committee recommended measure be held for further study.		X	X	X	X	X	X	X		X Data & Entry Level	For processing activities that present a heightened risk of harm. Processing that presents a heightened risk of harm includes: (1) The processing of personal data for the purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for the purposes of profiling; and (4) The processing of sensitive data.	A violation of the requirements of the provisions of this chapter shall constitute an unfair sales and deceptive trade practice for purposes of chapters 13 and 13.1 of title 6, and shall be enforced solely by the attorney general.
TENNESSEE	HB 1181 (SR 23) Tennessee Information Protection Act	Enacted 5/11/2023.		X	X	X	X	X	X	X		X Data & Entry Level	For processing activities involving: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal information; (3) The processing of personal data for purposes of targeted advertising; (4) The processing of sensitive data; (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	X Up to \$15,000 for each violation.
TENNESSEE	SB 73 (HB 1181) Tennessee Information Protection Act	Did not pass; adjourned.		X	X	X	X	X	X	X		X Data & Entry Level	if: (1) The processing of personal information for purposes of targeted advertising; (2) The sale of personal information; (3) The processing of personal information for purposes of profiling, where the profiling presents a reasonably foreseeable risk of: (A) Unfair or deceptive treatment or unlawful disparate impact on consumers; (B) Financial, physical, or reputational injury to consumers; (C) A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or (D) Other substantial injury to consumers; (4) The processing of sensitive data; and (5) Processing activities involving personal information that present a heightened risk of harm to consumers.	X Up to \$15,000 for each violation.
TEXAS	HB 4	Enacted 6/18/2023.		X	X	X	X	X	X	X		X Data & Entry Level	For: (1) the processing of personal data for purposes of targeted advertising; (2) the sale of personal data; (3) the processing of personal data for purposes of profiling; (4) the processing of sensitive data; and (5) any processing activities involving personal data that present a heightened risk of harm to consumers.	X Not to exceed \$7,500 for each violation.
TEXAS	HB 1846 Texas Data Privacy and Security Act	Did not pass; adjourned.		X	X	X	X	X	X	X		X Data & Entry Level	Yes, for: (1) the processing of personal data for purposes of targeted advertising; (2) the sale of personal data; (3) the processing of personal data for purposes of profiling; (4) the processing of sensitive data; and (5) any processing activities involving personal data that present a heightened risk of harm to consumers.	X Not to exceed \$7,500 for each violation.
WASHINGTON	HB 1616 (SB 1931) People's Privacy Act	First Chamber; adjourned.		X	X	X	X	X	X	X		X	For each of the following processing activities involving captured personal information: (a) The processing of captured personal information for purposes of targeted advertising; (b) The processing of captured personal information for the purposes of the sale of captured personal information; (c) The processing of captured personal information for purposes of profiling; (d) Any processing activities involving captured personal information that present a heightened risk of harm to individuals.	The greater of liquidated damages of \$2,000 per violation or actual damages, provided that the court may, in its discretion, increase the damages awarded up to an amount not to exceed three times the actual damages.
WASHINGTON	SB 5445 People's Privacy Act	First Chamber; adjourned.		X	X	X	X	X	X	X		X	For each of the following processing activities involving captured personal information: (a) The processing of captured personal information for purposes of targeted advertising; (b) The processing of captured personal information for the purposes of the sale of captured personal information; (c) The processing of captured personal information for purposes of profiling; (d) Any processing activities involving captured personal information that present a heightened risk of harm to individuals.	The greater of liquidated damages of \$2,000 per violation or actual damages, provided that the court may, in its discretion, increase the damages awarded up to an amount not to exceed three times the actual damages.
WEST VIRGINIA	HB 3453	First Chamber; adjourned.		X	X	X	X	X	X	X		X	Damages in an amount not less than \$100 and not greater than \$750 per consumer per incident or actual damages, whichever is greater.	Not more than \$3,500 for each intentional violation or \$7,500 for each unintentional violation.
WEST VIRGINIA	HB 3459	First Chamber; adjourned.		X	X	X	X	X	X	X		X Data & Entry Level	For processing activities involving personal data: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; and (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	X Up to \$5,500 for each violation.
WISCONSIN	AS 48 (HB 1041)	Second chamber; in committee.		X	X	X	X	X	X	X		X Data & Entry Level	For processing activities involving personal data: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; and (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	X Up to \$5,500 for each violation.
WISCONSIN	SB 164 (HB 686)	First Chamber; in committee.		X	X	X	X	X	X	X		X Data & Entry Level	For processing activities involving personal data: (1) The processing of personal data for purposes of targeted advertising; (2) The sale of personal data; (3) The processing of personal data for purposes of profiling; (4) The processing of sensitive data; and (5) Any processing activities involving personal data that present a heightened risk of harm to consumers.	X Up to \$7,500 for each violation.