

Proposed State Privacy Laws Comparison Chart (Updated 07/25/2023)

Delaware HB 154 “Delaware Personal Data Privacy Act”	
Status	Passed by Legislature (06/20/2023)
Looks Like	
Scope	Applies to entities that conduct business in Delaware who either (a) controlled or processed the personal data of not less than 35,000 consumers; or (b) controlled or processed the personal data of not less than 10,000 consumer and derived more than 20 percent of their gross revenue from the sale of personal data
Rights	Access, correction, deletion, portability, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, Airline Deregulation Act
Other	Session closes June 30

Florida SB 262	
Status	Passed by Legislature (05/04/2023)
Looks Like	
Scope	Applies to businesses that collect the personal information of Florida consumers, make more than \$1 billion in gross revenue, and either (a) derive 50% or more of their global annual revenue from providing targeted advertising or the sales of online ads, or (b) operate a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service with hands-free verbal activation.
Rights	Access, correction, deletion
Opt In/Out	Opt out for sales
Enforcement	No private right of action; AG enforcement
Exemptions	Payment processing data, HIPAA, clinical trials, GLBA, FCRA, DPPA, FERPA, certain public interest research, certain warranty information
Other	

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Iowa SF 262	
Status	Signed by Governor (03/28/2023)
Looks Like	UCPA
Scope	Applies to a person conducting business in Iowa or producing products or services targeted to Iowa residents and that, during a calendar year, does either of the following: (a) Controls or processes personal data of at least 100,000 thousand consumers; or (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
Rights	Access, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales and sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	HIPAA, GLBA, FCRA, DPPA, FERPA, Farm Credit Act, substance use disorder treatment records, clinical trials
Other	Effective January 1, 2025

Indiana SB 5	
Status	Signed by Governor (05/01/2023)
Looks Like	VCDPA
Scope	Applies to a person that conducts business in Indiana or produces products or services targeted to residents of Indiana and that during a calendar year: (1) controls or processes personal data of at least 100,000 Indiana residents; or (2) controls or processes personal data of at least 25,000 Indiana residents and derives more than 50% of gross revenue from the sale of personal data
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	HIPAA, GLBA, FCRA, DPPA, FERPA, Farm Credit Act, public utilities, substance use disorder treatment records, clinical trials, riverboat casino operators (facial recognition only)
Other	Effective January 1, 2026

Massachusetts SD 745 “Massachusetts Data Privacy Protection Act”	
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Status	Referred to Committee on Advanced Information Technology, the Internet and Cybersecurity; See Companion HD 2281 (02/16/2023)
Looks Like	American Data Privacy Protection Act
Scope	
Rights	Access, correction, deletion, portability, non-discrimination
Opt In/Out	Opt out for sales
Enforcement	Private right of action
Exemptions	HIPAA, certain interpersonal communications
Other	

Massachusetts HD 2281 “Massachusetts Data Privacy Protection Act”	
Status	Referred to Committee on Advanced Information Technology, the Internet and Cybersecurity; See Companion SD 745 (02/16/2023)
Looks Like	American Data Privacy Protection Act
Scope	
Rights	Access, correction, deletion, portability, non-discrimination
Opt In/Out	Opt out for sales
Enforcement	Private right of action
Exemptions	HIPAA, certain interpersonal communications
Other	

Massachusetts SD 1971 “Massachusetts Information Privacy and Security Act”	
Status	Referred to Committee on Economic Development and Emerging Technologies; See Companion HD 3263 (02/16/2023)
Looks Like	

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Scope	Applies to controllers that, in a calendar year, knowingly collect and sell to third parties (1) the information of more than 25,000 individuals, while deriving more than 25% of its annual global gross revenues from the sale of personal information; (2) the biometric, genetic, or specific geolocation information of more than 10,000 individuals; or (3) the personal information of more than 10,000 individuals with whom the controller does not have a direct relationship
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	Limited private right of action
Exemptions	HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, GLBA, certain airline information (Airline Deregulation Act)
Other	

Massachusetts HD 3263 “Massachusetts Information Privacy and Security Act”	
Status	Referred to Committee on Advanced Information Technology, the Internet and Cybersecurity; See Companion SD 1971 (02/16/2023)
Looks Like	
Scope	Applies to controllers that, in a calendar year, knowingly collect and sell to third parties (1) the information of more than 25,000 individuals, while deriving more than 25% of its annual global gross revenues from the sale of personal information; (2) the biometric, genetic, or specific geolocation information of more than 10,000 individuals; or (3) the personal information of more than 10,000 individuals with whom the controller does not have a direct relationship
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	Limited private right of action
Exemptions	HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, GLBA, certain airline information (Airline Deregulation Act)
Other	

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Massachusetts HD 3245 “Internet Bill of Rights”	
Status	Referred to Judiciary Committee (02/16/2023)
Looks Like	GDPR
Scope	
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	
Enforcement	No private right of action
Exemptions	
Other	

Montana SB 384 “Consumer Data Privacy Act”	
Status	Signed by Governor (05/22/2023)
Looks Like	CDPA
Scope	Applies to persons that conduct business in Montana or produce products or services targeted to Montana residents and either (a) control or process the personal data of at least 50,000 consumers, excluding payment processing information; or (b) control or process the personal data of at least 25,000 consumers and derive more than 25% of gross revenue from the sale of personal data
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action
Exemptions	Nonprofit organizations, institutes of higher education, HIPAA, clinical trials, FCRA, DPPA, FERPA, GLBA, Farm Credit Act, certain airline information (Airline Deregulation Act), COPPA
Other	Effective October 1, 2024

Proposed State Privacy Laws Comparison Chart (Updated 07/25/2023)

New Jersey A 505 “New Jersey Disclosure and Accountability Transparency Act”	
Status	In Assembly Science, Innovation and Technology Committee (01/11/2022)
Looks Like	
Scope	
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt-out for sales, opt-in for sensitive data processing
Enforcement	Private right of action
Exemptions	HIPAA, GLBA, insurance institutions, Driver’s Privacy Protection Act of 1994, FCRA information
Other	

New Jersey S 3714 “New Jersey Disclosure and Accountability Transparency Act”	
Status	Referred to Commerce Committee; See Companion A 505 (03/13/2023)
Looks Like	
Scope	
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt-out for sales, opt-in for sensitive data processing
Enforcement	Private right of action
Exemptions	HIPAA, GLBA, insurance institutions, Driver’s Privacy Protection Act of 1994, FCRA information
Other	

New Jersey S 332	
Status	Reported out of Assembly Committee; See Companion A 1971 (05/11/2023)
Looks Like	Nevada Online Privacy Protection Act
Scope	
Rights	Access, correction, non-discrimination
Opt In/Out	Opt-out
Enforcement	No private right of action; AG enforcement
Exemptions	HIPAA, GLBA, secondary market institutions, insurance institutions, Driver’s Privacy Protection Act of 1994, FCRA
Other	

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New Jersey A 1971	
Status	Reported out of Assembly Committee; See Companion S 332 (05/11/2023)
Looks Like	Nevada Online Privacy Protection Act
Scope	
Rights	Access, correction, non-discrimination
Opt In/Out	Opt-out
Enforcement	No private right of action; AG enforcement
Exemptions	HIPAA, GLBA, secondary market institutions, insurance institutions, Driver's Privacy Protection Act of 1994, FCRA
Other	

New York A 7423 "New York Privacy Act"	
Status	Referred to Codes Committee; See Companion S 365 (05/23/2023)
Looks Like	
Scope	Applies to legal persons that conduct business in New York or produce products or services that are targeted to New York residents and satisfy one or more of the following: (a) have annual gross revenue of \$25 million or more; (b) control or process personal data of at least 500,000 natural persons nationwide and control or process personal data of at least 10,000 consumers; or (c) derive over 50% of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt-out for sales, opt-in for sensitive data processing
Enforcement	Private right of action
Exemptions	GLBA, DPPA, FERPA, Farm Credit Act, certain education and employment information, HIPAA, clinical trials, FCRA
Other	Session closes June 8

New York A 417	
Status	Referred to the Consumer Affairs and Protection Committee (01/09/2023)

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Looks Like	
Scope	
Rights	Access
Opt In/Out	
Enforcement	Private right of action
Exemptions	
Other	Session closes June 8

New York A 1366 “Online Consumer Protection Act”	
Status	Referred to Consumer Affairs and Protection Committee (01/17/2023)
Looks Like	
Scope	
Rights	
Opt In/Out	
Enforcement	No private right of action; AG enforcement
Exemptions	
Other	Limited scope; applies to internet monitoring; session closes June 8

North Carolina SB 525 “North Carolina Consumer Privacy Act”	
Status	Referred to Rules and Operations Committee (04/04/2023)
Looks Like	
Scope	Applies to any controller or processor who conducts businesses in North Carolina or produces a product or service targeted to North Carolina residents, has more than \$25 million in annual revenue, and either (a) controls or processes the personal data of 100,000 or more consumers; or (b) derives over 50% of gross revenue from the sale of personal data and controls or processes personal data of 25,000 or more consumers
Rights	Access, deletion, portability, non-discrimination
Opt In/Out	Opt out for sales and sensitive data processing
Enforcement	No private right of action; enforced by the Attorney General
Exemptions	HIPAA, clinical trials, FCRA, GLBA, DPPA, FERPA, Farm Credit Act, COPPA
Other	Session closes August 31

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Oregon SB 619	
Status	Signed by Governor (07/18/2023)
Looks Like	
Scope	Applies to any person that conducts business in Oregon, or that provides products or services to Oregon residents, and that during a calendar year controls or processes (a) the personal data of 100,000 or more consumers, devices, or consumers and devices; or (b) the personal data of 25,000 or more consumers, while deriving 25% or more of gross revenue from selling personal data
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt-out for sales, opt-in for sensitive data processing
Enforcement	Private right of action
Exemptions	HIPAA, clinical trials, FCRA, GLBA, DPPA, FERPA, certain airline data (Airline Deregulation Act)
Other	Session closes June 26

Pennsylvania HB 708 “Consumer Data Protection Act”	
Status	Referred to Commerce Committee (03/27/2023)
Looks Like	
Scope	Applies to persons that conduct business in the Commonwealth or produce goods, products or services that are sold or offered for sale to residents of the Commonwealth and that: (a) during a calendar year, control or process personal data of at least 100,000 consumers; or (b) control or process personal data of at least 25,000 consumers and derive over 50% of gross revenue from the sale of personal data
Rights	Access, correction, deletion, restriction, portability, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	GLBA, HIPAA, clinical trials, FCRA, certain personal information from State motor vehicle records, FERPA, Farm Credit Act of 1971
Other	

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Pennsylvania HB 1201 “Consumer Data Privacy Act”	
Status	Referred to Commerce Committee (05/19/2023)
Looks Like	
Scope	Applies to controllers who do business in the Commonwealth and satisfy any of the following thresholds: (a) have annual gross revenues in excess of \$10 million; (b) buy, receive, sell, or share for commercial purposes the personal information of at least 50,000 consumers, households, or devices; or (c) derive at least 50% of annual revenues from selling consumers’ personal information
Rights	Access, correction, deletion, restriction, portability, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	State political subdivisions, nonprofit organizations, institutions of higher education, registered securities organizations, HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, Airline Deregulation Act, COPPA
Other	

Tennessee HB 1181 “Tennessee Information Protection Act”	
Status	Signed by Governor (05/11/2023)
Looks Like	VDCPA
Scope	Applies to persons that conduct business in Tennessee and that, during a calendar year, either (a) control or process personal information of at least 175,000 consumers; or (b) control or process personal information of at least 25,000 consumers and drive more than 50% of gross revenue from the sale of personal information
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Partial opt-out for sales, opt-in for sensitive data processing
Enforcement	No private right of action
Exemptions	GLBA, insurance companies and producers, HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, COPPA
Other	Effective July 1, 2025

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Texas HB 4 “Texas Data Privacy and Security Act”	
Status	Passed by Legislature; Sent to the Governor (05/30/2023)
Looks Like	VCDPA
Scope	Applies to persons that (a) conduct business in Texas or produce a product or service consumed by Texas residents; (b) process or engage in the sale of personal data; and (c) are not a small business as defined by the United States Small Business Administration
Rights	Access, correction, deletion, portability, automated decision making, non-discrimination
Opt In/Out	Opt out for sales, opt in for sensitive data processing
Enforcement	No private right of action; AG enforcement
Exemptions	GLBA, HIPAA, clinical trials, FCRA, DPPA, FERPA, Farm Credit Act, COPPA
Other	Effective July 1, 2024