Models of State Privacy Legislation

Thirteen states have enacted comprehensive consumer privacy laws that create new rights for consumers, impose obligations on businesses that handle consumers' personal data, and create new mechanisms to enforce those laws. Twelve of those states adopt the same basic structural model to protect consumer privacy. Some of those states have added greater substantive protections to that basic structural model while other states have adapted the same model to create narrower substantive protections, as reflected in the chart below. In contrast, California adopted a legislative model that creates a new state privacy agency charged with issuing regulations on more than 20 topics, including on issues addressed by statute in other states.

Legend: ■ Included   ◧ Similar obligation included   ▢ Rulemaking required   ▨ Provision expires

	CA Model	Greater Substantive Protections					Baseline Protections					Narrower Substantive Protections	
	CA	CO	CT	DE	MT	OR	FL*	IN	TN	TX	VA	IA	UT
CONSUMER RIGHTS													
Access	■	■	■	■	■	■	■	■	■	■	■	■	■
Correct	■	■	■	■	■	■	■	■	■	■	■		
Delete	■	■	■	■	■	■	■	■	■	■	■	■	■
Portability	■	■	■	■	■	■	■	■	■	■	■	■	■
Opt out of sale	■	■	■	■	■	■	■	■	■	■	■	■	■
Opt out of targeted advertising	◧	■	■	■	■	■	■	■	■	■	■		■
Opt out of profiling	▢	■	■	■	■	■	■	■	■	■	■		
OBLIGATIONS ON BUSINESSES													
Affirmative consent required to process sensitive data		■	■	■	■	■	■	■	■	■	■		
Reasonable security measures	■	■	■	■	■	■	■	■	■	■	■	■	■
Data minimization	■	■	■	■	■	■	■	■	■	■	■		
Data protection assessments	▢	■	■	■	■	■	■	■	■	■	■		
Prohibition on obtaining consent through "dark patterns"	▢	■	■	■	■	■	■			■			
Prohibition on processing data in violation of anti-discrimination laws		■	■	■	■		■	■	■	■	■	■	
Mandatory recognition of universal opt-out mechanisms	▢	■	■	■	■	■				■			
Prohibition on retaliating against consumers who exercise rights	■	■	■	■	■	■	■	■	■	■	■	■	■
Appeals process required for denial of consumer rights requests		■	■	■	■	■	■	■	■	■	■	■	

		Included		Similar obligation included		Rulemaking required		Provision expires				

	CA Model	Greater Substantive Protections					Baseline Protections					Narrower Substantive Protections	
	CA	**CO**	**CT**	**DE**	**MT**	**OR**	**FL***	**IN**	**TN**	**TX**	**VA**	**IA**	**UT**
OBLIGATIONS ON SERVICE PROVIDERS/PROCESSORS													
Specific obligations placed on service providers/processors, including requiring them to process data pursuant to a contract	●	●	●	●	●	●	●	●	●	●	●	●	●
Duty of confidentiality imposed on service providers/processors	●	●	●	●	●	●	●	●	●	●	●	●	●
Requirement to delete or return all personal data at the end of services		●	●	●	●	●	●	●	●	●	●		
Provide necessary information to the business/controller for data protection assessments	○	●	●	●	●	●	●	●	●	●	●		
SCOPE OF LAW													
Excludes employees		●	●	●	●	●	●	●	●	●	●	●	●
Applies to nonprofits, in addition to businesses		●		●		●							
ENFORCEMENT													
No private right of action for privacy violations	●	●	●	●	●	●	●	●	●	●	●	●	●
Attorney General enforcement	●	●	●	●	●	●	●	●	●	●	●	●	●
New state agency created to enforce law	●												
Agency rulemaking required	●	●					●						
Right to cure	▨	▨	▨	▨	▨	▨	●	●	●	●	●	●	●
EFFECTIVE DATE													
Effective Date	1/1/20 (CCPA) / 1/1/23 (CPRA)	7/1/23	7/1/23	1/1/25	10/1/24	7/1/24	7/1/24	1/1/26	7/1/25	7/1/24	1/1/23	1/1/25	12/31/23
Universal Opt-Out Mechanism Effective Date	1/1/20 (CCPA) / 1/1/23 (CPRA)	7/1/24	1/1/25	1/1/26	1/1/25	1/1/26				1/1/25			

* Florida's coverage thresholds are higher than those in other state privacy laws and apply to a more limited set of companies.

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