

Current Status of State Privacy Legislation – A WilmerHale Update

APRIL 30, 2019

Since our [February 20, 2019 report](#) on privacy bills moving through state legislatures around the country, four new bills modeled on the California Consumer Privacy Act (CCPA) have been introduced—in Connecticut, New York, Pennsylvania and Texas—and many of the previously described bills have moved further along in the legislative process. Washington’s Privacy Act, which previously seemed likely to be the first state enactment to follow in the CCPA’s wake, failed to make it out of the state house before the end of the legislative session.

Three new bills—one in Illinois addressing the handling of geolocation information; one in Louisiana that would prohibit online service providers from disclosing consumers’ personal information without their express consent; and one in Nevada that would require online service providers to give consumers the opportunity to opt out of the sale of their personal information—have also begun to move forward. More targeted bills—requiring online service providers to get consent before sharing or disclosing personal information and restricting targeted advertising aimed at children—have been introduced in seven states.

Finally, the California legislature has continued to consider amendments to the CCPA, including ones that would clarify that the CCPA does not apply to information collected from job applicants, employees, contractors, and agents in the context of those roles; amend the non-discrimination section of the CCPA to make clear that covered businesses may offer loyalty and rewards programs; narrow the definition of “personal information” slightly and harmonize the definition of “deidentified” data with FTC guidance; modify the definition of “publicly available” information to remove the requirement that businesses consider the context in which information in government records was collected; modify the definition of “publicly available” information to remove the requirement that businesses consider the context in which information in government records was collected; and expand the CCPA’s private right of action to apply to any violation of the Act.

Read more via our [“Privacy Legislation Continues To Move Forward in Many States”](#) client alert.