

Models of State Privacy Legislation

Twenty-two 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. Twenty-one 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.

Included
 Similar obligation included
 More restrictive obligation included
 Addressed in rulemaking
 Provision expires
 Partial exemption

	CA Model	Greater Substantive Protections										Baseline Protections								Narrower Substantive Protections		
	CA	CO	CT	DE	MD	MN	MT	NH	NJ	OR	AL	FL*	IN	KY	NE	OK	TN	TX	VA	IA	RI	UT
CONSUMER RIGHTS																						
Access	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Correct	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Delete	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Portability	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Opt out of Sale	Included	More restrictive obligation included ¹	More restrictive obligation included ¹	Included	More restrictive obligation included ¹	More restrictive obligation included ¹	Included	Included	More restrictive obligation included ¹	More restrictive obligation included ¹	Included	Included	Included	Included	Included	Included	Included	Included	More restrictive obligation included ¹	More restrictive obligation included ¹	Included	Included
Opt out of Targeted Advertising	Similar obligation included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Opt out of Profiling	Addressed in rulemaking	Included	More restrictive obligation included ²	Included	More restrictive obligation included ²	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
OBLIGATIONS ON CONTROLLERS																						
Affirmative consent required to process sensitive data	Addressed in rulemaking	Included	Included	Included	Similar obligation included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Reasonable security measures	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Data minimization	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Data protection assessments	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Prohibition on obtaining consent through "dark patterns"	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Prohibition on processing data in violation of anti-discrimination laws	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Mandatory recognition of universal opt-out mechanisms	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Prohibition on retaliating against consumers who exercise rights	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Appeals process for consumer rights requests	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
OBLIGATIONS ON PROCESSORS																						
Specific obligations on processors, including to process data pursuant to a contract	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Duty of confidentiality	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Requirement to delete or return all personal data at the end of services	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Provide necessary information to the controller for data protection assessments	Addressed in rulemaking	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included

* Florida's coverage thresholds are higher than those in other state privacy laws and apply to a more limited set of companies.
¹ Additional limits on selling certain sensitive data.
² Expanded profiling rights.

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	CA	CO	CT	DE	MD	MN	MT	NH	NJ	OR	AL	FL*	IN	KY	NE	OK	TN	TX	VA	IA	RI	UT	
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	expired 1/1/23	expired 1/1/25 ³	expired 12/31/24 ³	expired 12/31/25	expires 4/1/27	expired 1/31/26	expired 10/1/25	expired 12/31/25	expires 7/1/26	expired 1/1/26													
EFFECTIVE DATE																							
Effective Date	1/1/20 (CCPA)	7/1/23	7/1/23	1/1/25	10/1/25	7/31/25	10/1/24	1/1/25	1/15/25	7/1/24	5/1/27	7/1/24	1/1/26	1/1/26	1/1/25	1/1/27	7/1/25	7/1/24	1/1/23	1/1/25	1/1/26	12/31/23	

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

³ Limited right to cure violations of child data obligations expired on 12/31/25 (in CT) and 12/31/25 (in CO).

AMENDMENTS	
<p>CA</p> <p>2025 (fines) effective 6/30/25</p> <p>2024 (opt out rights, funds, neural data, health, personal information) effective 1/1/25</p> <p>2020 (exceptions and deidentified data) effective 9/25/20, (Prop. 24) effective 1/1/23</p> <p>2018 (clarifying changes) effective 9/23/18</p>	<p>MT</p> <p>2025 (broad) effective 10/1/25</p>
<p>CO</p> <p>2025 (sensitive data) effective 10/1/25</p> <p>2024 (neural data) effective 8/6/24, (biometrics) effective 7/1/25, (children) effective 10/1/25</p>	<p>NH</p> <p>2024 (rights, notices) effective 1/1/25</p>
<p>CT</p> <p>2025 (broad) effective 7/1/26</p> <p>2023 (children, health) effective 7/1/23 to 10/1/24</p>	<p>NJ</p> <p>2026 (exceptions) effective 1/1/26</p>
<p>KY</p> <p>2026 (automatic content recognition) effective 7/1/27</p> <p>2025 (profiling) effective 1/1/26</p>	<p>OR</p> <p>2025 (sensitive data and kids) effective 1/1/26</p>
<p>MD</p> <p>2026 (government use of data) effective 10/1/26</p> <p>2026 (immigration) effective 7/1/26</p>	<p>TX</p> <p>2025 (AI) effective 1/1/26</p>
	<p>UT</p> <p>2026 (motor vehicle manufacturers) effective 1/1/27</p> <p>2025 (rights, social media) effective 7/1/26</p> <p>2024 (AI) effective 5/1/24</p>
	<p>VA</p> <p>2026 (geolocation data) effective 7/1/26</p> <p>2025 (social media) effective 1/1/26</p> <p>2024 (children) effective 1/1/25</p>