

# Models of State Privacy Legislation

All five state consumer privacy laws create new rights for consumers, impose obligations on businesses that handle consumers’ personal data, and create new mechanisms to enforce those laws. Laws in Colorado, Connecticut, Utah, and Virginia also share core structural approaches to regulating privacy—even though those states adopt differing levels of substantive protections. California, in contrast, adopts 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
  To be addressed in rulemaking

	California	Colorado	Connecticut	Virginia	Utah
<b>CONSUMER RIGHTS</b>					
Access	Included	Included	Included	Included	Included
Correct	Included	Included	Included	Included	Included
Delete	Included	Included	Included	Included	Included
Portability	Included	Included	Included	Included	Included
Opt out of sale	Included	Included	Included	Included	Included
Opt out of targeted advertising	Similar obligation included	Included	Included	Included	Included
Opt out of profiling	To be addressed in rulemaking	Included	Included	Included	Included
<b>OBLIGATIONS ON BUSINESSES</b>					
Affirmative consent required to process sensitive data	To be addressed in rulemaking	Included	Included	Included	Included
Reasonable security measures	Included	Included	Included	Included	Included
Data minimization	Included	Included	Included	Included	Included
Data protection assessments	To be addressed in rulemaking	Included	Included	Included	Included
Prohibition on obtaining consent through “dark patterns”	To be addressed in rulemaking	Included	Included	Included	Included
Prohibition on processing data in violation of anti-discrimination laws	To be addressed in rulemaking	Included	Included	Included	Included
Mandatory recognition of universal opt-out mechanisms	To be addressed in rulemaking	Included	Included	Included	Included
Prohibition on retaliating against consumers who exercise rights	Included	Included	Included	Included	Included
Appeals process required for denial of consumer rights requests	To be addressed in rulemaking	Included	Included	Included	Included
<b>OBLIGATIONS ON SERVICE PROVIDERS/PROCESSORS</b>					
Specific obligations placed on service providers/processors, including requiring them to process data pursuant to a contract	Included	Included	Included	Included	Included
Duty of confidentiality imposed on service providers/processors	Included	Included	Included	Included	Included
<b>SCOPE OF LAW</b>					
Excludes employees	To be addressed in rulemaking <sup>1</sup>	Included	Included	Included	Included
Applies to nonprofits, in addition to businesses	To be addressed in rulemaking	Included	Included	Included	Included
<b>ENFORCEMENT</b>					
No private right of action for privacy violations	Included	Included	Included	Included	Included
Attorney General enforcement	Included	Included	Included	Included	Included
New state agency created to enforce law	Included	Included	Included	Included	Included
Agency rulemaking required	Included	Included	Included	Included	Included

<sup>1</sup> Scheduled to expire in 2023.