

# Models of State Privacy Legislation

Twenty 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. Nineteen 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	FL*	IN	KY	NE	TN	TX	VA	IA	RI	UT
<b>CONSUMER RIGHTS</b>																				
Access	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
Delete	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
Opt out of Sale	Included	More restrictive obligation included <sup>1</sup>	More restrictive obligation included <sup>1</sup>	Included	More restrictive obligation included <sup>1</sup>	More restrictive obligation included <sup>1</sup>	Included	Included	Included	More restrictive obligation included <sup>1</sup>	Included	Included	Included	Included	Included	Included	Included	Included	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
Opt out of Profiling	Addressed in rulemaking	Included	More restrictive obligation included <sup>2</sup>	Included	Included	More restrictive obligation included <sup>2</sup>	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
<b>OBLIGATIONS ON CONTROLLERS</b>																				
Affirmative consent required to process sensitive data	Addressed in rulemaking	Included	Included	Included	Addressed in rulemaking	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
Data minimization	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
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
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
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
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
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

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

<sup>1</sup> Additional limits on selling sensitive data.

<sup>2</sup> Expanded profiling rights.

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	FL*	IN	KY	NE	TN	TX	VA	IA	RI	UT		
<b>OBLIGATIONS ON PROCESSORS</b>																						
Specific obligations on processors, including to process data pursuant to a contract																						
Duty of confidentiality																						
Requirement to delete or return all personal data at the end of services																						
Provide necessary information to the controller for data protection assessments																						
<b>SCOPE OF LAW</b>																						
Excludes employees																						
Applies to nonprofits, in addition to businesses																						
<b>ENFORCEMENT</b>																						
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 <sup>3</sup>	expired 12/31/24 <sup>3</sup>	expires 12/31/25	expires 4/1/27	expires 1/31/26	expires 10/1/25	expires 12/31/25	expires 7/1/26	expires 1/1/26												
<b>EFFECTIVE DATE</b>																						
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	7/1/24	1/1/26	1/1/26	1/1/25	7/1/25	7/1/24	1/1/23	1/1/25	1/1/26	12/31/23		
Amendments	<b>2025<sup>4</sup></b> effective 6/30/25 <b>2024</b> effective 1/1/25 <b>2020 (CPRA)</b> effective 1/1/23 <b>2020</b> effective 9/25/20 <b>2018</b> effective 9/23/18	<b>2025</b> (sensitive data) effective 10/1/25 <b>2024</b> (neural data) effective 8/6/24 (bio-metrics) effective 7/1/25 (children) effective 10/1/25	<b>2025</b> (broad) effective 7/1/26 <b>2023</b> (children, health) effective 7/1/23 to 10/1/24				<b>2025</b> (broad) effective 10/1/25	<b>2024</b> (rights, notices) effective 1/1/25		<b>2025</b> (children, sensitive data) effective 1/1/26			<b>2025</b> (profiling) effective 1/1/26			<b>2025</b> (AI) effective 1/1/26	<b>2025</b> (social media) effective 1/1/26 <b>2024</b> (children) effective 1/1/25			<b>2025</b> (rights, social media) effective 7/1/26 <b>2024</b> (AI) effective 5/1/24		

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

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

<sup>4</sup> California adopted amendments in 2025 (fines), 2024 (opt out rights, funds, neural data, health, personal information), 2020 (exceptions and deidentified data, Proposition 24), and 2018 (clarifying changes).