

APPLICABILITY THRESHOLDS

State	Monetary Threshold	# of Consumers Threshold	Sell/Share Threshold	Other
California	\$25,000,000	100,000 consumers or households 0.26% of state's 39.2 million population	Derives 50% or more of annual revenues from selling or sharing consumers' personal information	-
Colorado	N/A	100,000 consumers 1.72% of state's 5.8 million population	Derives revenue or receives a discount on the price of goods or services from the sale of personal data + processes or controls the personal data of 25,000 or more consumers	-
Connecticut	N/A	100,000 consumers 2.78% of state's 3.6 million population	Derives more than 25% of gross revenue from sale of personal data + control or process personal data of not less than 25,000 consumers	-
Delaware	N/A	35,000 consumers 3.43% of state's 1.02 million population	Derives more than 20% of gross revenue from sale of personal data + control or process personal data of not less than 10,000 consumers	-
Indiana	N/A	100,000 consumers 1.47% of state's 6.8 million population	Derives over 50% of gross revenue from sale of personal data + control or process personal data of at least 25,000 consumers	-
Iowa	N/A	100,000 consumers 3.125% of state's 3.2 million population	Derives over 50% of gross revenue from sale of personal data + controls or processes personal data of 25,000 or more consumers	-
Kentucky	N/A	100,000 consumers 2.22% of state's 4.5 million population	Derives over 50% of gross revenue from sale of personal data + control or process personal data of at least 25,000 consumers	-
Maryland	N/A	35,000 consumers 0.56% of state's 6.18 million population	Derives more than 20% of gross revenue from sale of personal data + control or process personal data of not less than 10,000 consumers	-

State	Monetary Threshold	# of Consumers Threshold	Sell/Share Threshold	Other
Minnesota	N/A	100,000 consumers 1.75% of state's 5.7 million population*	Derives over 25% of gross revenue from sale of personal data + control or process personal data of 25,000 consumers or more	-
Montana	N/A	50,000 consumers 4.45% of state's 1.1 million population	Derives more than 25% of gross revenue from sale of personal data + control or process personal data of not less than 25,000 consumers	-
Nebraska	N/A	N/A	N/A	Process or engage in the sale of personal data + not be a small business as defined by the US Small Business Administration*
New Hampshire	N/A	35,000 consumers 2.5% of state's 1.4 million population	Derives more than 25% of gross revenue from sale of personal data + control or process personal data of not less than 10,000 consumers	-
New Jersey	N/A	100,000 consumers 1.07% of state's 9.3 million population	Derives revenue or receives a discount on the price of goods or services from the sale of personal data + processes or controls the personal data of 25,000 or more consumers	-
Oregon	N/A	100,000 consumers 2.35% of state's 4.24 million population	Derives 25% or more of annual gross revenue from sale of personal data + control or process personal data of 25,000 or more consumers	-
Tennessee	\$25,000,000 (+ another category)	175,000 consumers 2.48% of state's 7.05 million population	Derives over 50% of gross revenue from sale of personal data + controls or processes personal data of 25,000 or more consumers	-

State	Monetary Threshold	# of Consumers Threshold	Sell/Share Threshold	Other
Texas	N/A	N/A	N/A	Process or engage in the sale of personal data + not be a small business as defined by the US Small Business Administration**
Utah	\$25,000,000 (+ another category)	100,000 consumers 3.03% of state's 3.3 million population	Derives over 50% of gross revenue from sale of personal data + controls or processes personal data of 25,000 or more consumers	-
Vermont				
Virginia	N/A	100,000 consumers 1.16% of state's 8.6 million population	Derives over 50% of gross revenue from sale of personal data + control or process personal data of at least 25,000 consumers	-

* Excludes a small business, as defined by the United States Small Business Administration under Code of Federal Regulations, title 13, part 121. However, a small business must not sell a consumer's sensitive data without the consumer's prior consent.

** *Small businesses cannot sell sensitive personal data without consumer consent. For further information on the definition of small business see <https://advocacy.sba.gov/wp-content/uploads/2023/03/Frequently-Asked-Questions-About-Small-Business-March-2023-508c.pdf>; <https://www.sba.gov/size-standards/index.html>; www.sba.gov/sites/sbagov/files/2023-03/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%281%29%20%281%29_0.pdf.*

RIGHTS

RIGHT	CA	CO	CT	DE	IN	IA	KY	MD	MN	MT	NE	NH	NJ	OR	TN	TX	UT	VT	VA
Know	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Access	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Obtain list of 3d Parties to Which Personal Data Was Disclosed	✗	✗	✗	✓ ₁	✗	✗	✗	✓ ₂	✓	✗	✗	✗	✗	✓	✗	✗	✗		✗
Data Portability	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Delete	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Correct inaccuracies	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗		✓
Not be discriminated against for exercising rights	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Opt-out of sale	✓	✓	✓	✓	✓	✓ ₃	✓	✓	✓	✓	✓	✓	✓	✓	✓ ₃	✓	✓		✓
Opt-out of targeted advertising / sharing	✓	✓	✓	✓	✓	? ₄	✓	✓	✓	✓	✓	✓	✓	✓	✓ ₃	✓	✓		✓
Opt-out of certain types of profiling	✓	✓	✓	✓	✓	✗	✓	✓	✓ ₅	✓	✓	✓	✓	✓	✓ ₃	✓	✗		✓
Recognize opt out signals	✓ ₆	✓	✓	✓	✗	✗	✗	✓ ₇	✓	✓	✓ ₈	✓	✓	✓	✗	✓ ₈	✗		✗
Revoke consent	N/A	✓ ₆	✓	✓	✗	✗	✗	✓	✓	✓	✗	✓	✓	✓	✗	✗	✗		✗
Not process data in discriminatory manner	✗	✗	✗	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

- Legend**
- ✓ - Right provided
 - ✓ - Right partially provided
 - ✗ - Right not provided
 - ? - Unclear if right provided

1 Delaware consumers can obtain a list of categories of third parties

2 Maryland consumers have the right to obtain a list of the categories of third parties to which a controller has disclosed the consumer's personal data or a list of the categories of third parties to which the controller has disclosed any consumer's personal data if the controller does not maintain this information in a format specific to the consumer

3 Contains pseudonymous data carve out

4 Right is not listed in consumer rights provision, but controllers must provide means to opt out

5 If a consumer's personal data is profiled in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer, the consumer has the right to question the result of the profiling, to be informed of the reason that the profiling resulted in the decision, and, if feasible, to be informed of what actions the consumer might have taken to secure a different decision and the actions that the consumer might take to secure a different decision in the future. The consumer has the right to review the consumer's personal data used in the profiling. If the decision is determined to have been based upon inaccurate personal data, taking into account the nature of the personal data and the purposes of the processing of the personal data, the consumer has the right to have the data corrected and the profiling decision reevaluated based upon the corrected data.

6 Right provided through rulemaking

7 Maryland's states that controller may use a link or recognize opt-out preference signals

8 Controllers must recognize UOOMs for state residents only if they are required to do so to comply with another state's law

Husch Blackwell LLP

OTHER PROVISIONS

PROVISION	CA	CO	CT	DE	IN	IA	KY	MN	MD	MT	NE	NH	NJ	OR	TN	TX	UT	VT	VA
Data Protection Assessments	TBD (rulemaking)	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No		Yes
Definition of sale	Monetary or other valuable consideration	Monetary or valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary consideration	Monetary consideration	Monetary consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Monetary or other valuable consideration	Valuable monetary consideration	Monetary or other valuable consideration	Monetary consideration		Monetary consideration
Opt-out Request Can be Verified	No	Yes	No	No	Yes	Yes	Yes	No	No	No	Yes	No	No	No	Yes	Yes	Yes		Yes
Treatment of Sensitive Data	Right to Limit Use	Opt-in	Opt-in	Opt-in	Opt-in	Notice and opt-out	Opt-in	Opt-in	Strictly necessary ¹	Opt-in	Opt-in	Opt-in	Opt-in	Opt-in	Opt-in	Opt-in	Notice and opt-out		Opt-in
GLBA exemption	Data level	Entity and data level	Entity and data level	Entity and data level	Entity and data level	Entity and data level	Entity and data level	Data and state entity ²	Entity and data level	Entity and data level	Entity and data level	Entity and data level	Entity and data level	Data and state entity ³	Entity and data level	Entity and data level	Entity and data level		Entity and data level
Applies to nonprofits	No	Yes	No	Yes	No	No	No	Yes	Yes	No	No	No	Yes	Yes	No	No	No		No
Additional Children's Rights	Opt-in for selling or sharing of PI of children ages 13-15	No	Opt-in for targeted advertising or sale of PI of children ages 13-15	Opt-in for targeted advertising or sale of PI of children ages 13-17	No	No	No	Opt-in for targeted advertising or sale of PI of children ages 13-15	Prohibits sale or targeted advertising of PI of children under 18	Opt-in for targeted advertising or sale of PI of children ages 13-15	No	Opt-in for targeted advertising or sale of PI of children ages 13-15	Opt-in for targeted advertising, sale of PI, and profiling of children ages 13-16	Opt-in for targeted advertising, sale of PI, and profiling of children ages 13-15	No	No	No		No
Data Processing Agreements	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Privacy Policy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes ⁴	Yes		Yes
Duty of Purpose Specification	No	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No		No
Implement Reasonable Data Security Measures	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Duty to Avoid Secondary Use	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No		Yes
Data Minimization	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes ⁵	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No		Yes
Data Inventory	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No
Data Retention Limit	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No

OTHER PROVISIONS

PROVISION	CA	CO	CT	DE	IN	IA	KY	MN	MD	MT	NE	NH	NJ	OR	TN	TX	UT	VT	VA
Enforcement	Attorney General / Agency (limited PRA for data breaches)	Attorney General + district attorneys	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General	Attorney General		Attorney General
Right to Cure	Expired	60 days (sunsets Jan. 1, 2025)	60 days (sunsets Dec. 31, 2024)	60 days (sunsets Dec. 31, 2025)	30 days (does not sunset)	90 days (does not sunset)	30 days (does not sunset)	30 days (sunsets Jan. 31, 2026)	60 days (sunsets Apr. 1, 2027)	60 days (sunsets Apr. 1, 2026)	30 days (does not sunset)	60 days (sunsets Dec. 31, 2025)	30 days (sunsets 18 months after effective date)	30 days (sunsets Jan. 1, 2026)	60 days (does not sunset) + NIST safe harbor	30 days (does not sunset)	30 days (does not sunset)		30 days (does not sunset)
Rulemaking	Yes	Yes	No	No	No	No	No	No	Unclear ⁶	No	No	Partial ⁷	Yes	No	No	No	No		No
Effective Date	Jan. 1, 2023	July 1, 2023	July 1, 2023	Jan. 1, 2025	Jan. 1, 2026	Jan. 1, 2025	Jan. 1, 2026	July 31, 2025	Oct. 1, 2025	Oct. 1, 2024	Jan. 1, 2025	Jan. 1, 2025	Jan. 15, 2025	July 1, 2024 (non-profits July 1, 2025)	July 1, 2025	July 1, 2024	Dec. 31, 2023		Jan. 1, 2023

¹ Maryland states: “A controller may not . . . Except where the collection or processing is strictly necessary to provide or maintain a specific product or service requested by the consumer to whom the personal data pertains, collect, process or share sensitive data concerning a consumer.”

² Minnesota provides an exemption for personal data collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley Act, Public Law 106-102, and implementing regulations, if the collection, processing, sale, or disclosure is in compliance with that law a state or federally chartered bank or credit union, or an affiliate or subsidiary that is principally engaged in financial activities, as described in United States Code, title 12, section 1843(k)” and “a state or federally chartered bank or credit union, or an affiliate or subsidiary that is principally engaged in financial activities, as described in United States Code, title 12, section 1843(k).”

³ Oregon provides an exemption for information collected, processed, sold or disclosed under and in accordance with the GLBA; a financial institution as defined in ORS 706.008, or a financial institution’s affiliate or subsidiary that is only and directly engaged in financial activities, as described in 12 U.S.C. 1843(k); and information that originates from, or is intermingled so as to be indistinguishable from, GLBA information and that a licensee, as defined in ORS 725.010, collects, processes, uses or maintains in the same manner as is required by the GLBA.

⁴ Texas requires controllers that sell sensitive data to state in their privacy policy “We may sell your sensitive personal data.” Controllers that sell biometric data must state in their privacy policy “We may sell your biometric personal data.”

⁵ In addition to limiting the collection of sensitive data, Maryland states that a controller shall “limit the collection of personal data to what is reasonably necessary and proportionate to provide or maintain a specific product or service requested by the consumer to whom the data pertains.” This is more restrictive than other state laws.

⁶ MODPA does not itself authorize rulemaking. However, Maryland Code § 13-205 allows the Division of Consumer Protection to engage in permissive rulemaking “to effectuation the purposes of this subtitle, including rules, regulations, or standards which further define specific unfair or deceptive trade practices.”

⁷ New Hampshire requires the Secretary of State to (1) establish secure and reliable means for consumers to exercise their consumer rights and (2) provide standards for privacy notices.