

# State of Privacy in the United States: **Data Protection Legislation across the U.S.**

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# 01. About The Author



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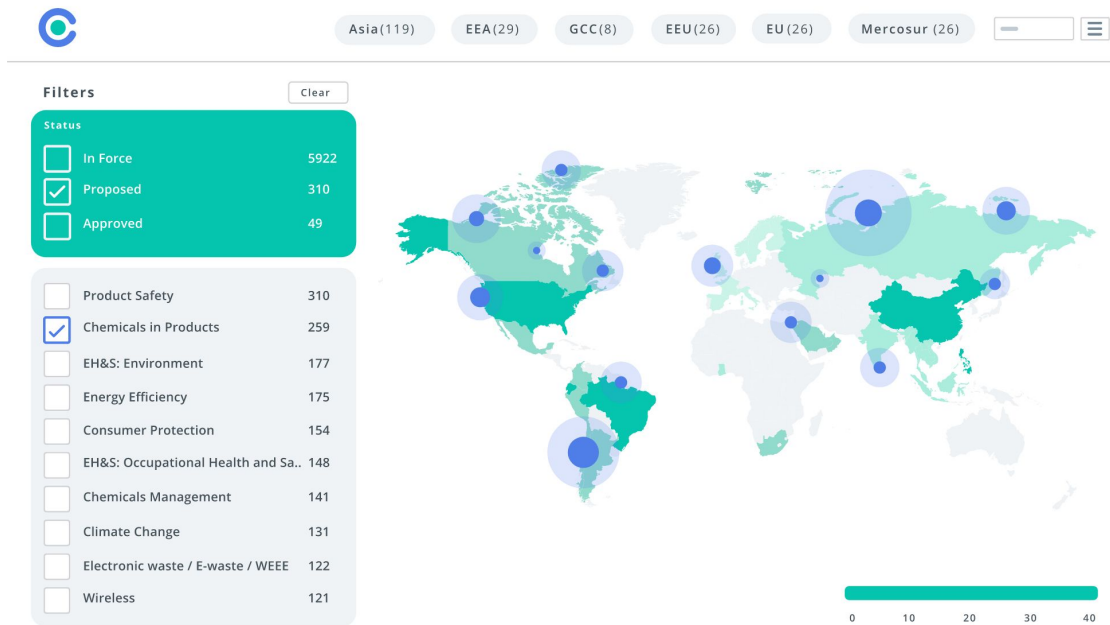
Ani is a Senior Regulatory Compliance Specialist with over 10 years experience working in various legal positions.

Ani has a particular interest in personal data protection and has previously managed a department at the Georgian Data Protection Authority. She keeps clients up to date on global regulatory developments with a special focus on privacy. Ani obtained her Bachelor's degree in Law from Tbilisi State University and also holds a Master of Laws degree in International Business Law from Central European University.

She is a qualified lawyer in Georgia, and with her native Georgian language, she is fluent in English and has intermediate knowledge of Russian.

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## 03. Introduction

With the advancement of connected devices, smart products, and the development of artificial intelligence, the growing importance of privacy protection is undeniable.

As [reported](#) by the International Association of Privacy Professionals (IAPP), as of March 2024, over 135 countries have adopted data protection laws, covering more than 75% of the world's population by some form of national privacy protection law.

While many jurisdictions follow the EU General Data Protection Regulation's ("[GDPR](#)") overarching model with some adjustments, the U.S. has not been successful in adopting a comprehensive federal consumer privacy law, despite some attempts.

However, to fill the gap, more and more U.S. states are adopting statewide data protection legislation.

This whitepaper lists data protection acts adopted by U.S. state legislatures, which affect personal data processing operations of companies established within, as well as outside, these states.

It covers enacted bills, some of which have already entered into force, and others that take effect over the coming months and years.

Details are provided on:

- The applicability of the respective laws;
- Their entry into force;
- The applicability of data protection impact assessment obligations; and
- The existence of "Notice and Cure" provisions, if any.

"Notice and Cure" provisions are important in terms of enforcement, as they allow data controllers/processors to remedy the violation within a certain time frame after being notified by the relevant authority about the alleged breach.

If the violation is not cured within the period specified in the relevant provision, enforcement action may be initiated.





## 04. Legislation in Force

### California

#### **California Consumer Privacy Act (CCPA) (amended by the California Privacy Rights Act (CPRA)) and California Consumer Privacy Act Regulations**

[CCPA, as amended](#), applies to for-profit entities that do business in California and satisfy at least one of the following thresholds:

- Have annual gross revenue in excess of USD 25,000,000 in the preceding year;
- Alone or in combination annually buy, sell or share personal information of 100,000 or more consumers or households; or
- Derives 50% or more of its annual revenues from selling or sharing consumers' personal information.

#### Entry into force:

CCPA in force since 1 January 2020; amended text in effect from 1 January 2023.

#### Enforcement:

30-day Notice of Violation and Right to Cure provision will remain in effect indefinitely for security breach violations.

### Colorado

#### **Colorado Privacy Act**

Colorado Privacy Act ([Senate Bill 21-190](#)) was approved on 7 July 2021.

It applies to data controllers that conduct business in Colorado or produce or deliver commercial products or services that are intentionally targeted to residents of Colorado and satisfy one or both of the following thresholds:

- Control or process personal data of 100,000 or more consumers during a calendar year;
- Derive revenue or receive a discount on the price of goods or services from the sale of personal data and processes or control the personal data of 25,000 or more consumers.

#### Entry into force:

In force since 1 July 2023; data protection assessment requirements apply to processing activities created or generated after 1 July 2023 and are not retroactive.

#### Enforcement:

60-day Notice of Violation and Right to Cure provision in effect until 1 January 2025.



## Connecticut

### Connecticut Personal Data Privacy and Online Monitoring Act

On 10 May 2022, the [Connecticut Personal Data Privacy and Online Monitoring Act](#) was approved (Senate Bill 6, Public Act No. 22-15). The Act applies to persons that conduct business in Connecticut or persons that produce products or services that are targeted to residents of Connecticut and that during the preceding calendar year:

- Controlled or processed the personal data of not less than 100,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or
- Controlled or processed the personal data of not less than 25,000 consumers **and** derived more than 25% of their gross revenue from the sale of personal data.

#### Entry into force:

In force since 1 July 2023; data protection assessment requirements apply to processing activities created or generated after 1 July 2023 and are not retroactive.

#### Enforcement:

60-day Notice of Violation and Right to Cure provision in effect until 31 December 2024; from 1 January 2025, the Attorney General may grant a controller or processor the opportunity to cure an alleged violation based on various considerations.

## Utah

### Utah Consumer Privacy Act

Approved on 24 March 2022, Senate Bill 227 enacts the [Utah Consumer Privacy Act](#), which applies to controllers or processors who cumulatively meet requirements (A), (B) and (C):

- (A) Conduct business in Utah or produce a product or service that is targeted to consumers who are Utah residents;
- (B) Have annual revenue of USD 25,000,000 or more; and
- (C) Satisfy one or more of the following thresholds:
  - (a) Control or process personal data of 100,000 or more consumers during a calendar year, or
  - (b) Derive over 50% of the entity's gross revenue from the sale of personal data and control or process personal data of 25,000 or more consumers.

#### Entry into force:

In force since 31 December 2023.

#### Enforcement:

30-day Notice of Violation and Right to Cure provision does not have a sunset date.

# Virginia

## Virginia Consumer Data Protection Act

[Virginia Consumer Data Protection Act](#) was adopted in March 2021.

It applies to persons that conduct business in Virginia or produce products or services that are targeted to residents of Virginia and that:

- During a calendar year, control or process personal data of at least 100,000 consumers; or
- Control or process personal data of at least 25,000 consumers **and** derive over 50% of gross revenue from the sale of personal data.

### Entry into force:

In force since 1 January 2023; data protection impact assessment obligation applies to processing activities created or generated after 1 July 2023 and are not retroactive.

### Enforcement:

30-day Notice of Violation and Right to Cure provision is to remain in effect indefinitely.





## 05. Approved Legislation

### Oregon

#### **An Act Relating to Protections for the Personal Data of Consumers**

Adopted in July 2023, the scope of [this Act](#) applies to persons that conduct business in Oregon or that provide products or services to residents of Oregon and satisfy one of the following conditions during a calendar year:

- Control or process personal data of 100,000 or more consumers, except for the purpose of completing a payment transaction;
- Control or process personal data of 25,000 or more consumers while deriving 25% or more of their annual gross revenue from selling personal data.

#### Entry into force:

**1 July 2024**; data protection impact assessment requirements will apply to processing activities occurring on and after 1 July 2024 and are not retroactive.

#### Enforcement:

30-day Notice of Violation and Right to Cure provision will be in force until 1 January 2026.

### Texas

#### **Texas Data Privacy and Security Act**

Approved on 18 June 2023, the [Texas Data Privacy and Security Act](#) (House Bill 4) applies to a person that:

- Conducts business in Texas or produces a product or service consumed by the residents of Texas;
- Processes or engages in the sale of personal data; and
- Is not a small business as defined by the U.S. Small Business Administration.

#### Entry into force:

**1 July 2024**; data protection assessment requirements apply to processing activities created or generated after 1 July 2024 and are not retroactive.

#### Enforcement:

30-day Notice of Violation and Right to Cure provision without any sunset date.



## Montana

### Montana Consumer Data Privacy Act

Approved on 19 May 2023, [this Act](#) (Senate Bill 384) applies to persons that conduct business in Montana or persons that produce products or services that are targeted to the residents of Montana, and:

- Control or process personal data of not less than 50,000 consumers, excluding personal data solely for the purpose of completing a payment transaction; or
- Control or process personal data of not less than 25,000 consumers and derive more than 25% of gross revenue from the sale of personal data.

Entry into force:

**1 October 2024**; data protection impact assessment requirements will apply to processing activities created or generated after 1 January 2025 and are not retroactive.

Enforcement:

60-day Notice of Violation and Right to Cure provision in effect until 1 April 2026.

## Delaware

### Delaware Personal Data Privacy Act

House Bill 154, approved on 11 September 2023, establishes the [Delaware Personal Data Privacy Act](#).

It applies to persons that conduct business in Delaware or produce products or services that are targeted to residents of Delaware, and that during the preceding calendar year:

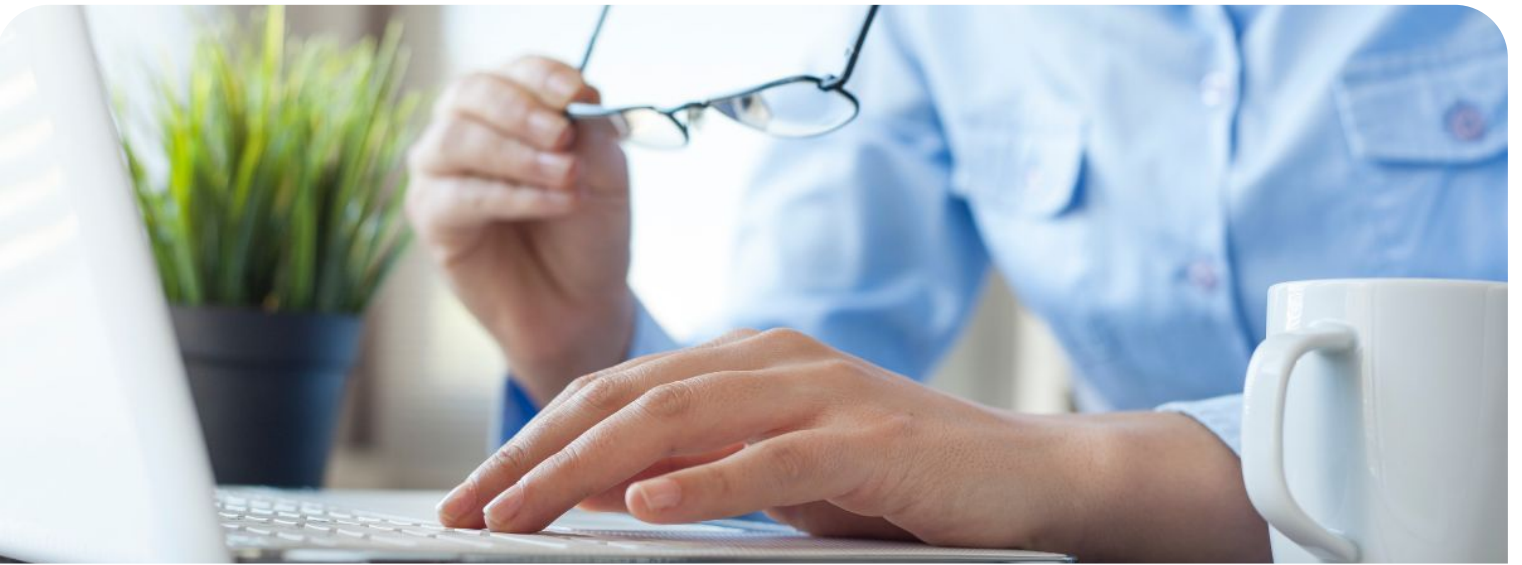
- Controlled or processed personal data of not less than 35,000 residents of Delaware, excluding personal data controlled or processed solely to complete a payment transaction; or
- Controlled or processed personal data of not less than 10,000 Delaware residents and derived more than 20% of gross revenue from the sale of personal data.

Entry into force:

**1 January 2025**; data protection impact assessment requirements will apply to processing activities created or generated on or after 1 July 2025 and are not retroactive.

Enforcement:

60-day Notice of Violation and Right to Cure provision in effect until 31 December 2025; from 1 January 2026, the Attorney General may grant a controller or processor the opportunity to cure an alleged violation based on various considerations.



## Iowa

### **Iowa Consumer Data Protection Act**

On 28 March 2023, the [Iowa Consumer Data Protection Act](#) (Senate File 262) was approved.

It applies to persons that conduct business in Iowa or produce products or services that are targeted to consumers who are residents of Iowa, and that during a calendar year do either of the following:

- Control or process personal data of at least 100,000 consumers; or
- Control or process personal data of at least 25,000 consumers and derive over 50% of gross revenue from the sale of personal data.

Entry into force:  
**1 January 2025.**

Enforcement:  
90-day Notice of Violation and Right to Cure provision will remain in effect indefinitely.

## Nebraska

### **Nebraska Data Privacy Act**

On 17 April 2024, the [Nebraska Data Privacy Act](#) was approved.

The Act applies to a person that:

- Conducts business in Nebraska or produces a product or service consumers by residents of Nebraska;
- Processes or engages in the sale of personal data; and
- Is not a small business as defined under the federal Small Business Act, except if such person engages in the sale of sensitive data without receiving prior consent from the consumer.

Entry into force:  
**1 January 2025.**

Enforcement:  
30-day Notice of Violation and Right to Cure provision will remain in effect indefinitely.



## New Hampshire

### **An Act Relative to the Expectation of Privacy**

The [New Hampshire Act relative to the Expectation of Privacy](#) (Senate Bill 255) was approved on 6 March 2024.

It applies to persons that conduct business in New Hampshire or produce a product or service targeted to residents of New Hampshire that during a one-year period:

- Controlled or processed personal data of 35,000 or more unique consumers, excluding solely for the purpose of completing a payment transaction; or
- Controlled or processed personal data of 10,000 or more unique consumers and derived more than 25% of their gross revenue from the sale of personal data.

#### Entry into force:

**1 January 2025**; data protection assessment requirements apply to processing activities created or generated after 1 July 2024 and are not retroactive.

#### Enforcement:

60-day Notice of Violation and Right to Cure provision mandatorily applies between 1 January and 31 December 2025; from 1 January 2026, it becomes optional and will depend on the decision of the Attorney General in each case.

## New Jersey

### **An Act Concerning Online Services, Consumers, and Personal Data**

Approved on 16 January 2024, [this Act](#) applies to controllers that conduct business in New Jersey or produce products or services that are targeted to the residents of New Jersey, and that during a calendar year either:

- Control or process personal data of at least 100,000 consumers, excluding personal data processed solely for the purpose of completing a payment transaction; or
- Control or process personal data of at least 25,000 consumers and the controller derives revenue or receives a discount on the price of any goods or services from the sale of personal data.

#### Entry into force:

**15 January 2025**; data protection impact assessment requirements will apply to processing activities involving personal data acquired on or after 15 January 2025.

#### Enforcement:

30-day Notice of Violation and Right to Cure provision in force until July 2026.





## Tennessee

### Tennessee Information Protection Act

The [Tennessee Information Protection Act](#) (House Bill 1181) was approved in May 2023.

The Act applies to persons that conduct business in Tennessee producing products or services that are targeted to the residents of Tennessee, and that:

- Exceed USD 25,000,000 in revenue; and
  - (a) Control or process personal information of at least 25,000 consumers and derive more than 50% of gross revenue from the sale of personal information; or
  - (b) During a calendar year, control or process personal information of at least 175,000 consumers.

#### Entry into force:

**1 July 2025**; data protection impact assessment requirement applies to processing activities created or generated after 1 July 2024 and is not retroactive.

#### Enforcement:

60-day Notice of Violation and Right to Cure provision is to remain in effect indefinitely.

## Minnesota

### Minnesota Consumer Data Privacy Act

The [Minnesota Consumer Data Privacy Act](#) (Chapter 121, 2024; HF 4757) was signed into law on 24 May 2024.

The Act applies to legal entities that conduct business in Minnesota or produce products or services targeted to residents of Minnesota, and that satisfy one or more of these thresholds:

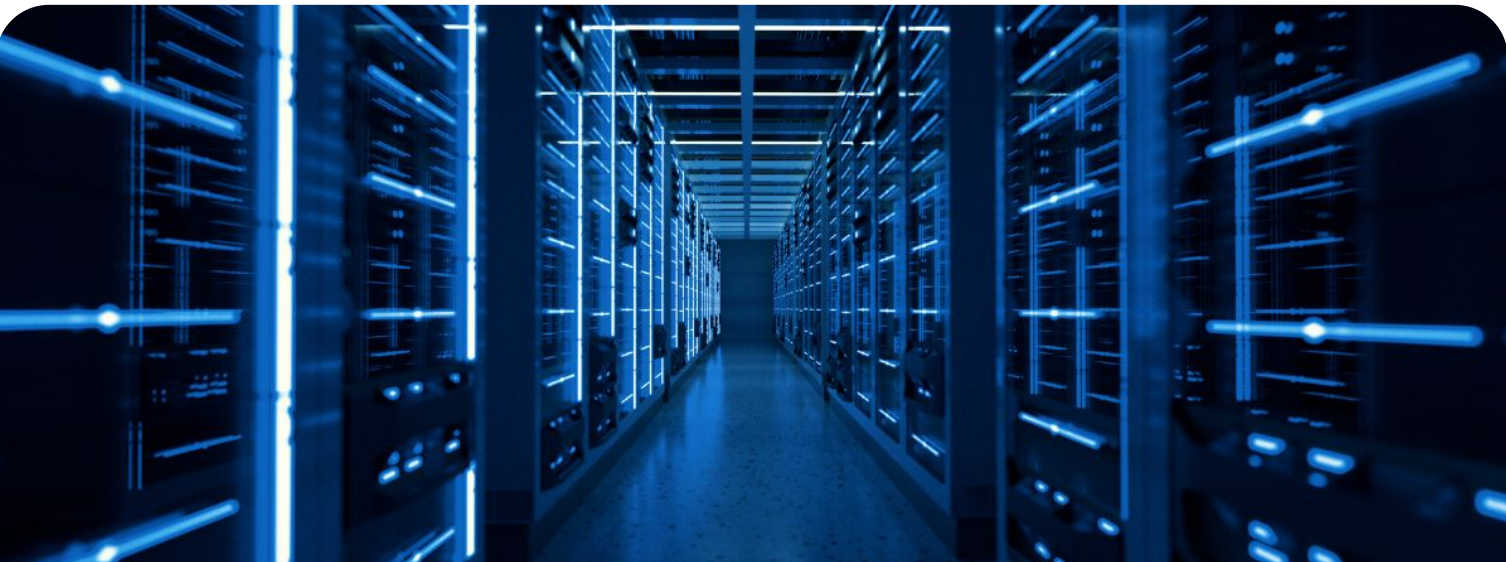
- During a calendar year, controls or processes personal data of 100,000 or more consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or
- Derives over 25% of gross revenue from the sale of personal data and processes or controls personal data of 25,000 or more consumers.

#### Entry into force:

**31 July 2025.**

#### Enforcement:

30-day Notice of Violation and Right to Cure provision in effect until 31 January 2026.



## Maryland

### Maryland Online Data Privacy Act

[Maryland Online Data Privacy Act](#) (Senate Bill 541) was approved on 9 May 2024.

The Act applies to a person that conducts business in Maryland or provides products or services that are targeted to residents of Maryland, and that during the preceding calendar year met any of the following thresholds:

- Controlled or processed the personal data of at least 35,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or
- Controlled or processed the personal data of at least 10,000 consumers and derived more than 20% of its gross revenue from the sale of personal data.

Entry into force:  
**1 October 2025.**

Enforcement:

Although the Act takes effect on 1 October 2025, it will not have “effect on or application to any personal data processing activities” before 1 April 2026; 60-day Notice of Violation and Right to Cure provision in effect until 1 April 2027.

## Indiana

### Indiana Consumer Data Protection Act

Approved on 1 May 2023, the [Indiana Consumer Data Protection Act](#) (Senate Bill 5, Public Law 94) applies to a person that conducts business in Indiana or produces products or services that are targeted to residents of Indiana, and that during a calendar year:

- Controls or processes personal data of at least 100,000 Indiana residents; or
- Controls or processes personal data of at least 25,000 Indiana residents and derives more than 50% of gross revenue from the sale of personal data.

Entry into force:

**1 January 2026;** data protection impact assessment requirements will apply to processing activities created or generated after 31 December 2025 and are not retroactive to processing activities created or generated before 1 January 2026.

Enforcement:

30-day Notice of Violation and Right to Cure provision does not have a sunset date and is to remain in effect indefinitely.



# Kentucky

## **Kentucky Consumer Data Protection Act**

Approved in April 2024, the [Kentucky Consumer Data Protection Act](#) (House Bill 15) applies to persons that conduct business in Kentucky or produce products or services that are targeted to residents of Kentucky and that during a calendar year control or process personal data of at least:

- 100,000 consumers; or
- 25,000 consumers and derive over 50% of gross revenue from the sale of personal data.

### Entry into force:

**1 January 2026**; data protection assessment requirements will apply to processing activities created or generated on or after 1 June 2026.

### Enforcement:

30-day Notice of Violation and Right to Cure provision does not have a sunset date.





## 10. Conclusion

Personal data protection legislation impacts a variety of sectors and products, and in recent years the U.S. states have been quite active in proposing overarching privacy bills.

There have been attempts to adopt federal privacy legislation (e.g., H.R.8152 - the American Data Privacy and Protection Act (ADPPA) proposed in 2022) and efforts are still in place to adopt a federal law (e.g. the discussions around the draft American Privacy Rights Act (APRA) of 2024). However, in the absence of a comprehensive federal privacy act, the states are taking the lead in regulating consumer privacy protection.

With five state privacy laws in effect as of the date of publication of this paper, three coming into force in 2024 and nine taking effect over 2025-2026, companies falling under the scope of the respective legislation should make efforts to ensure compliance to avoid not only enforcement action and potential penalties, but also reputational risks.

It is worth noting that, other than omnibus bills, there has been an increasing number of industry-specific or relatively narrowly scoped bills proposed and adopted in various U.S. states, which are not discussed in this paper.

Compliance & Risks monitor U.S. regulatory developments on the federal as well as state level on a daily basis, and will capture regulatory updates in C2P, our corporate compliance platform.



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