

The legislative sessions for U.S. states in 2019 produced an unprecedented number of new or updated data protection statutes and regulations. This guide summarizes the essential elements of these new laws. Typical among the regulations were updates to breach notification statutes that included expanded definitions of personal information and requirements for improved administrative and technical controls.

The California legislature passed six different statutes making multiple changes to the California Consumer Privacy Act of 2018 (CCPA). However, the changes were around the edges of the law and the core compliance mandates remain the same for businesses that collect the personal information of California consumers.

Noteworthy among these new laws are (1) New York state's SHIELD Act, which imposes updated breach notification requirements and information security controls and features wide applicability to businesses and individuals nationwide; (2) California's data broker registration statute, the second such statute in the nation; and (3) at least six additional state implementations of the NAIC Insurance Data Security Model Law, which is modeled on New York state's Department of Financial Services Part 500 cybersecurity regulations for financial institutions.

Did we miss something? Do you have comments or questions about this document?
Send them to: data.protection@spirion.com.

Name of State Law	In effect	Applies to	Enforced by	Defines personal Info	Creates a privacy review body	DATA PROTECTION REQUIREMENTS			BREACH NOTIFICATION REQUIREMENTS			3RD-PARTY SERVICE PROVIDER REQUIREMENTS	
						Data protection program or implementation of controls	Destruction or safe disposal of personal info	Regulates sale of personal info/data	Time to notify; must notify AG, CRA, other	Risk of harm test for breach notification	Written incident response and/or plan for notification	Screening of 3 rd -party service providers	Data protection program for 3 rd -party SPs
ARKANSAS H.B. 1943	JUL 23 2019	BIZ	AG	✓					45 DAYS ¹ AG	✓	✓		
CALIFORNIA A.B. 874	JAN 1 2020	BIZ	AG	✓									
CALIFORNIA A.B. 1130	JAN 1 2020	BIZ, GOV	AG	✓					✓ ¹				
CALIFORNIA A.B. 1202 "DATA BROKER REGISTRATION STATUTE"	JAN 1 2020	BIZ	AG					✓					
CONNECTICUT S.B 1108	JUL 9 2020				✓								
CONNECTICUT H.B 7424 THE INSURANCE DATA SECURITY LAW	OCT 1 2019	BIZ ²	OTHER	✓		✓	✓		3 DAYS, WUD ³ OTHER	✓	✓	✓	✓
DELAWARE H.B. 174 THE INSURANCE DATA SECURITY LAW	OCT 1 2019	BIZ ²	OTHER	✓		✓	✓		3 DAYS, WUD ³ OTHER	✓	✓	✓	✓
HAWAII H.C.R. 225	APR 30 2019				✓				WUD AG		✓		
ILLINOIS S.B. 1624	JAN 1 2020	BIZ	AG						WUD ^{1,3} AG		✓ ⁹		
ILLINOIS H.B. 2189	JAN 1 2020	BIZ	OTHER					✓					
LOUISIANA H.R. 249	JUN 4 2019	BIZ			✓								

Abbreviations:

BIZ - Business GOV - Government NP - Non-Profit
AG - Attorney General
CRA - Consumer Reporting Agency
PRoA - Private Right of Action
WUD - Without Undue Delay

Additional notes regarding regulations:

- Amends existing breach notification statute or regulation
- Limited to insurers; see the NAIC Insurance Data Security Model Law #668
- "Without undue delay," "as soon as practicable," or the functional equivalent thereof
- Limited to internet service providers (ISPs)
- Apparently applies to non-profits
- Applies to chartered financial institutions
- Limited to manufacturers of internet-connected devices
- The statute implies a private right of action
- The statute implies the need for a written breach notification plan
- Only in the event of an "inadvertent" disclosure

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MAINE L.D. 946	JUL 1 2020	BIZ ⁴	?	✓		✓		✓					
MARYLAND S.B. 30	OCT 1 2019	BIZ ²	OTHER					✓ ¹	✓				
MARYLAND S.B. 693, H.B. 1154	OCT 1 2019	BIZ	AG					45 DAYS, WUD ^{1,3} AG		✓			
MASSACHUSETTS H. 4806	APR 11 2019	BIZ, GOV, NP	AG, PRoA ⁹	✓				WUD ^{1,3} AG, CRA, OTHER	✓	✓			
MICHIGAN H.B. 6491 THE INSURANCE DATA SECURITY LAW	JAN 1 2021	BIZ ²	AG, OTHER	✓		✓	✓	10 DAYS, WUD ³ OTHER	✓	✓	✓	✓	✓
MISSISSIPPI S.B. 2831 THE INSURANCE DATA SECURITY LAW	JUL 1 2019	BIZ ²	OTHER	✓		✓	✓	3 DAYS, WUD ³ OTHER	✓	✓	✓	✓	✓
NEVADA S.B. 220	OCT 1 2019	BIZ ⁴	AG			✓							✓
NEW HAMPSHIRE S.B. 194 THE INSURANCE DATA SECURITY LAW	JAN 1 2021	BIZ ²	OTHER	✓		✓	✓	3 DAYS, WUD ³ OTHER	✓	✓	✓	✓	✓
NEW JERSEY S.B. 52	SEP 1 2019	BIZ ⁶ , NP	OTHER	✓				WUD ^{1,3} OTHER		✓			
NEW YORK S. 5575-B THE SHIELD ACT	MAR 21 2020	BIZ, NP ⁵	AG, OTHER	✓		✓	✓	WUD ^{1,3} AG, CRA, OTHER	✓ ¹⁰				
NORTH DAKOTA H.B. 1485	MAR 28 2019				✓			WUD OTHER		✓			
OHIO S.B. 273 THE INSURANCE DATA SECURITY LAW	MAR 20 2019	BIZ ²	OTHER	✓		✓	✓	3 DAYS, WUD ³ OTHER	✓	✓	✓	✓	✓
OREGON H.B. 2395	JAN 1 2020	BIZ ⁷	AG	✓		✓							
OREGON S.B. 684	JAN 1 2020	BIZ	OTHER	✓		✓		10 DAYS, WUD ^{1,3} AG, OTHER		✓			
TEXAS H.B. 4390	JAN 1 2020	BIZ	AG		✓			60 DAYS, WUD ³ AG		✓			
UTAH S.B. 193	MAY 14 2019	BIZ, NP ⁵	AG	✓		✓	✓	WUD ^{1,3} AG	✓	✓			
VIRGINIA H.B. 2396	JUL 1 2019	BIZ, GOV, NP	AG	✓				WUD ^{1,3} AG, CRA		✓			
WASHINGTON STATE H.B. 1071	MAR 1 2020	BIZ	AG, PRoA	✓				30 DAYS, WUD ^{1,3} AG		✓			

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