

DATA BREACH SECURITY AND PRIVACY STATE LEGISLATION



Updated October 25, 2019

* *Overview.* The below survey attempts to offer a comprehensive look at the state legislative activity on issues related to data breach notification ("DBN") and privacy. Given the breadth of these issues (and the array of terms used to describe them), other legislation introduced in the states may also address them.

* *Legend.* The bills included below are color coded based on their status throughout the legislative session:

- **BLUE** - Legislation Enacted or at the Governor's Desk
- **YELLOW** - Legislation Moving Through Either Chamber
- **GREY** - Legislature Has Adjourned or the Legislation Has Otherwise Failed

More specific procedural updates are available through the links provided, but will not be reflected in the chart.

* The descriptions of the legislation provided offer a broad overview. If there is a particular bill for which you would like additional information, please let us know.

State	Legislation	Classification	Status	Overview
Alabama	HB 101/SB 54	NAIC Model Law 668	HB 101: Passed House; referred to Senate SB 54: Enacted	Incorporates provisions of the NAIC model act.
Arkansas	HB 1943	DBN	Enacted	Amends existing data breach notification requirements.
Arizona	SB 1113	Data Privacy	Enacted	Eliminates requirements to provide notice of information practices if the insurer has not changed policies and practices related to disclosing personal information since last notified.
California	AB 1242	NAIC Model Law 668 Misc.	Introduced ADJOURNED	Creates an Office of Cybersecurity; discusses responses related to cybersecurity event; increases state data breach coordination, etc..
California	AB 1130	DBN	Enacted	Amends existing data breach notification requirements to include breaches involving biometric data, instructions on how to notify other entities, among other things.
California	AB 1035	DBN	Introduced ADJOURNED	Requires notification within 72 hours (as compared to "the most expedient time possible without unreasonable delay").
California	AB 929	Data Privacy	Enacted	Requires the board governing California's Health Benefits Exchange (Covered California), to make public on the Exchange's website, plan-specific data on cost reduction efforts, quality improvements, and disparity reductions, among other things.
Connecticut	SB 903/Included in Governor's budget Public Act 19-117 (H. 7424)	NAIC Model Law 668	Enacted	Incorporates provisions of the NAIC model; revises standards governing insurance data and information security; notices and investigations following cybersecurity events.
Delaware	HB 174	NAIC Model Law 668	Enacted	Incorporates provisions of the NAIC model act .
Florida	SB 7008	DBN Misc.	Introduced ADJOURNED	Establishes a public record exemption to keep personal information related to a data breach confidential, among other things.
Hawaii	SB 418	Data Privacy	Introduced ADJOURNED	Comprehensively addresses companies' use of consumer personal information (mirrors the California Consumer Privacy Act).
Hawaii	HB 273	DBN	Enacted	Exempts certain insurers from providing annual privacy notices to customers under group policies if the insurer provides nonpublic financial information to certain nonaffiliated third parties or where the insurer's policies and practices relating to disclosure of nonpublic personal information remain unchanged.
Illinois	SB 1624	Data Privacy	Enacted	Requires data collectors, when a data breach affected more than 100 state residents, to notify and provide the Attorney General with certain information (i.e., description of the nature of the security breach, etc.).
Illinois	HB 3200	DBN	Introduced	Amends existing data breach notification requirements (e.g., requires notification within 5 days).
Illinois	HB 2784	DBN	Introduced	Amends existing data breach notification requirements (e.g., defines "consumer marketing information" and other terms).
Illinois	HB 2829	Miscellaneous	Introduced	Enacts the Financial Institution Cybersecurity Act; imposes certain cybersecurity requirements on persons/entities operating under the Illinois Insurance Code (among others); requires implementation of a cybersecurity program/written policies to protect information systems.
Indiana	HB 1588	Miscellaneous	Enacted	Urges the legislative council to assign an interim study committee on the topic of insurance data security (i.e., insurer response to adverse cybersecurity events, etc.).
Iowa	HSB 14/SB 1071	DBN	Introduced ADJOURNED	Amends existing data breach notification requirements.
Maryland	SB 693/HB 1154	DBN	Enacted	Amends existing data breach notification requirements.
Maryland	SB 30	DBN	Enacted	Requires insurers, under certain circumstances, to notify the Maryland Insurance Commissioner if a breach has occurred, among other things.
Maryland	SB 786/HB 1127	DBN	Introduced ADJOURNED	Amends existing data breach notification requirements.
Massachusetts	S 100	DBN	Introduced	Amends existing data breach notification requirements.

Massachusetts	S 180	DBN	Introduced	Amends existing data breach notification requirements.
Massachusetts	S 120	Data Privacy	Introduced	Requires businesses to notify a consumer, at or before collection, of the categories of personal information that will be collected.
Massachusetts	H 223	DBN	Introduced	Amends existing data breach notification requirements.
Massachusetts	S 98	DBN	Introduced	Amends existing data breach notification requirements for biometric information.
Michigan	HB 4187	DBN	Introduced	Enacts a data breach notification framework.
Minnesota	HB 1377/SB 2063	DBN	Introduced	Modifies the definition of data security breach.
Minnesota	HB 1376	DBN	Introduced	Amends existing data breach notification requirements.
Mississippi	SB 2831	NAIC Model Law 668	Enacted	Adopts the majority of the NAIC model act with certain differences (<i>House version died in Committee</i>).
Mississippi	H 911	NAIC Model Law 668	Introduced ADJOURNED	Incorporates provisions of the NAIC model act.
Nevada	SB 21	NAIC Model Law 668	Passed Senate ADJOURNED	Adopts the NAIC model act.
New Hampshire	SB 194	NAIC Model Law 668	Enacted	Adopts the NAIC model act (with some amendments).
New Jersey	AB 4640	Data Privacy	Introduced	Comprehensively addresses companies' use of consumer personal information (mirrors the California Consumer Privacy Act).
New Jersey	SB 52	DBN	Enacted	Amends existing data breach notification requirements.
New Jersey	SB 3836	Data Privacy	Introduced	Requires health insurance carriers to adhere to certain practices to protect health information related to sensitive services.
New Jersey	AB 3541/SB 1524	DBN	Introduced	Amends existing data breach notification requirements (e.g., requires notification within 5 days).
New Jersey	AB 1360	DBN	Introduced	Incorporates new data breach notification requirements (e.g., requires entities to provide a customer with access to independent credit reports for a period of six months following notification of a breach of security).
New Mexico	SB 176	DBN/Data Privacy	Introduced ADJOURNED	Comprehensively addresses companies' use of consumer personal information (mirrors the California Consumer Privacy Act).
New York	AB 5635	DBN	Introduced	Amends existing data breach notification requirements.
New York	AB 465	DBN	Introduced	Enacts the "Personal Information Protection Act".
New York	SB 2540	DBN	Introduced	Amends existing data breach notification requirements (e.g., requires notification within 15 days).
New York	AB 3001	DBN	Introduced	Expands the definition of private information (the disclosure of which will trigger a data breach); and personal information (now includes birthdates, home addresses, phone numbers, etc.), among other things.
New York	SB 5575	DBN	Enacted	Amends existing data breach notification requirements (e.g., exempts certain situations for data breach notifications).
New York	AB 1387	DBN	Introduced	Amends existing data breach notification requirements (e.g., requires notification within 5 days).
New York	H 904	DBN	Introduced	Amends existing data breach notification (e.g., requires notification within 30 days).
New York	AB 8526	Data Privacy	Introduced	Requires companies to disclose their methods of de-identifying personal information and amends existing data sharing limitations.
North Dakota	HB 1138	Data Privacy	Introduced Enacted	Eliminates the requirement that insurers provide an annual privacy notice if the insurer complies with nonaffiliated third-party rules adopted by the commissioner and has not changed privacy policies and practices since the most recent notice sent to consumers.
Oklahoma	S 288	DBN	Introduced ADJOURNED	Requires immediate notification and allows monetary penalties for failure to disclose.
Ohio		NAIC Model Law 668	Enacted	Codifies provisions of the NAIC model law.
Oregon	SB 684	DBN	Enacted	Amends existing data breach notification requirements.
Oregon	S 703	Data Privacy	Introduced ADJOURNED	Prohibits commercial sale of health information without the authorization of the individual.
Pennsylvania	HB 1010	DBN	Introduced	Enacts a data breach notification framework.
Pennsylvania	SB 308	DBN	Introduced	Amends existing data breach notification requirements.
Pennsylvania	HB 245	DBN	Introduced	Amends existing data breach notification (e.g., requires notification within 30 days).
Pennsylvania	HB 1181	DBN	Introduced Introduced	Amends existing data breach notification requirements (e.g., requires notification within 45 days).
Rhode Island	S 234/ H 5930	Data Privacy	Introduced ADJOURNED	Comprehensively addresses companies' use of consumer personal information.
South Carolina	SB 360	NAIC Model Law 668	Enacted	Applies the NAIC model to captive insurance companies, among other things.
Texas	HB 4390	DBN	Enacted	Addresses personal identifying information processed by businesses (appears to include some provisions from CA consumer privacy act); adds biometric data to the definition of personally identifying information's; amends DBN requirements and exemptions, among other things.
Texas	SB 64	DBN	Enacted	Amends existing data breach notification requirements (e.g., requires notification within 10 days).
Vermont	SB 110	DBN	Passed Senate; referred to House	Amends existing data breach notification requirements.
Virginia	HB 2396	DBN	Enacted	Amends existing data breach notification requirements.
Washington	SB 5376	Data Privacy	Passed Senate; referred to House	Comprehensively addresses companies' use of consumer personal information (mirrors the California Consumer Privacy Act).

Washington	SB 5064/HB 1071	DBN	<u>SB 5064</u> : Senate Rules Committee ("X-File") <u>HB 1071</u> : Enacted	Amends existing data breach notification requirements.
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