

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1602 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Collin Walke _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1602

6 By: Walke, West (Josh),
7 Phillips, Talley, Moore,
8 Davis, Mize, Luttrell,
9 Townley, Bashore, Sims,
10 Dills, Pae, Fetgatter,
11 Lawson, Blancett, McDugle,
12 Munson, West (Tammy),
13 Cornwell, Manger, Roberts
14 (Eric), Wolfley, Boles,
15 Kerbs, Dollens, Ranson,
16 Randleman, Roe, Brewer,
17 Cruz, Boatman, McEntire,
18 Waldron, Conley,
19 Rosecrants, Wallace and
20 Virgin of the House

21 and

22 Montgomery, Hicks, Dossett
23 (J.A.) and Kidd of the
24 Senate

25 FLOOR SUBSTITUTE

26 An Act relating to privacy of computer data; enacting
27 the Oklahoma Computer Data Privacy Act; defining
28 terms; providing that this act applies to certain
29 businesses that collect consumers' personal
30 information; providing exemptions; prescribing
31 compliance with other laws and legal proceedings;
32 requiring this act to be liberally construed to align
33 its effects with other laws relating to privacy and
34 protection of personal information; providing that
35 when in conflict federal law controls; providing that
36 when in conflict with state law the law providing the
37 greatest privacy or protection to consumers controls;
38 providing for preemption of local law; providing

1 consumers the right to request disclosure of certain
2 information; providing consumers the right to request
3 the deletion of their information; providing
4 consumers the right to request and receive a
5 disclosure of personal information sold or disclosed;
6 providing consumers the right to opt in and out of
7 the sale of their personal information; finding that
8 individuals in Oklahoma have a right to prohibit
9 retention, use or disclosure of their own personal
10 data; finding that Oklahomans have been exploited for
11 monetary gain and manipulation by private ventures in
12 utilization of private data; finding that the
13 protection of individuals' data is a core
14 governmental function in order to protect the health,
15 safety and welfare of individuals in Oklahoma;
16 finding that this act is the least restrictive
17 alternative necessary to protect individuals and
18 their rights; finding that the use of a strictly
19 "opt-out" method for data privacy is ineffectual and
20 poses an immediate risk to health, safety and welfare
21 of Oklahomans; providing that contracts or other
22 agreements purporting to waive or limit a right,
23 remedy or means of enforcement are contrary to public
24 policy and are void; requiring that businesses
collecting consumer data information must inform the
consumer of each category of personal information
collected and for which purpose the information will
be used, and obtain the consumer's explicit consent;
requiring businesses that collect, sell, or for a
business purpose disclose consumers' personal
information to provide an online privacy policy or a
notice of the business's policies; requiring
businesses to designate and make available methods
for submitting a verifiable consumer request for
information that is required to be disclosed or
deleted; requiring businesses receiving consumer
requests to promptly take steps to reasonably verify
the identity of the requesting consumers; requiring
businesses that receive a verifiable consumer request
within a certain timeframe disclose the required
information; requiring businesses that use de-
identified information to not re-identify or attempt
to re-identify a consumer who is the subject of de-
identified information without obtaining permission;
providing that businesses may not discriminate
against consumers for exercising their rights;
providing that businesses may offer a financial

1 incentive to consumers for the collection, sale or
2 disclosure of their personal information; providing
3 that businesses may not divide a single transaction
4 into more than one transaction with the intent to
5 avoid the requirements of this act; requiring
6 businesses to ensure employees handling consumer
7 inquiries about privacy practices are informed of
8 certain rights, requirements and information;
9 providing civil penalties; authorizing the Oklahoma
10 Corporation Commission to take certain actions
11 against violating businesses; authorizing the
12 Commission to recover reasonable expenses incurred in
13 obtaining injunctive relief or civil penalties;
14 directing the Commission to deposit collected
15 penalties in a dedicated account in the General
16 Revenue Fund; providing certain immunities; providing
17 protections to service providers; providing for
18 codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 901.1 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma
24 Computer Data Privacy Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 901.2 of Title 17, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Aggregate consumer information" means information that
relates to a group or category of consumers from which individual

1 consumer identities have been removed and that is not linked or
2 reasonably linkable to a particular consumer or household, including
3 through a device. The term does not include one or more individual
4 consumer records that have been de-identified;

5 2. "Biometric information" means an individual's physiological,
6 biological or behavioral characteristics that can be used, alone or
7 in combination with other characteristics or other identifying data,
8 to establish the individual's identity. The term includes:

- 9 a. deoxyribonucleic acid (DNA),
- 10 b. an image of an iris, retina, fingerprint, face, hand,
11 palm or vein pattern or a voice recording from which
12 an identifier template can be extracted such as a
13 faceprint, minutiae template or voiceprint,
- 14 c. keystroke patterns or rhythms,
- 15 d. gait patterns or rhythms, and
- 16 e. sleep, health or exercise data that contains
17 identifying information;

18 3. "Business" means a for-profit entity, including a sole
19 proprietorship, partnership, limited liability company, corporation,
20 association or other legal entity that is organized or operated for
21 the profit or financial benefit of the entity's shareholders or
22 other owners, but does not include Internet service providers so
23 long as they are acting in their role as Internet service providers;

24

1 4. "Business purpose" means the use of personal information
2 for:

3 a. the following operational purposes of a business or
4 service provider, provided that the use of the
5 information is reasonably necessary and proportionate
6 to achieve the operational purpose for which the
7 information was collected or processed or another
8 operational purpose that is compatible with the
9 context in which the information was collected:

10 (1) auditing related to a current interaction with a
11 consumer and any concurrent transactions,
12 including counting ad impressions to unique
13 visitors, verifying the positioning and quality
14 of ad impressions, and auditing compliance with a
15 specification or other standards for ad
16 impressions,

17 (2) detecting a security incident, protecting against
18 malicious, deceptive, fraudulent or illegal
19 activity, and prosecuting those responsible for
20 any illegal activity described by this division,

21 (3) identifying and repairing or removing errors that
22 impair the intended functionality of computer
23 hardware or software,
24

1 (4) using personal information in the short term or
2 for a transient use, provided that the
3 information is not:

4 (a) disclosed to a third party, and

5 (b) used to build a profile about a consumer or
6 alter an individual consumer's experience
7 outside of a current interaction with the
8 consumer, including the contextual
9 customization of an advertisement displayed
10 as part of the same interaction,

11 (5) performing a service on behalf of the business or
12 service provider, including:

13 (a) maintaining or servicing an account,
14 providing customer service, processing or
15 fulfilling an order or transaction,
16 verifying customer information, processing a
17 payment, providing financing, providing
18 advertising or marketing services, or
19 providing analytic services, or

20 (b) performing a service similar to a service
21 described by subdivision (a) of this
22 division on behalf of the business or
23 service provider,
24

1 (6) undertaking internal research for technological
2 development and demonstration,

3 (7) undertaking an activity to:

4 (a) verify or maintain the quality or safety of
5 a service or device that is owned by,
6 manufactured by, manufactured for or
7 controlled by the business, or

8 (b) improve, upgrade or enhance a service or
9 device described by subdivision (a) of this
10 division, or

11 (8) retention of employment date, or

12 b. another operational purpose for which notice is given
13 under this act, but specifically excepting cross-
14 context targeted advertising, unless the customer has
15 opted in to the same;

16 5. "Collect" means to buy, rent, gather, obtain, receive or
17 access the personal information of a consumer by any means,
18 including by actively or passively receiving the information from
19 the consumer or by observing the consumer's behavior;

20 6. "Commercial purpose" means a purpose that is intended to
21 result in a profit or other tangible benefit or the advancement of a
22 person's commercial or economic interests, such as by inducing
23 another person to buy, rent, lease, subscribe to, provide or
24 exchange products, goods, property, information or services or by

1 enabling or effecting, directly or indirectly, a commercial
2 transaction. The term does not include the purpose of engaging in
3 speech recognized by state or federal courts as noncommercial
4 speech, including political speech and journalism;

5 7. "Consumer" means an individual who is a resident of this
6 state;

7 8. "De-identified information" means information that cannot
8 reasonably identify, relate to, describe, be associated with, or be
9 linked to, directly or indirectly, a particular consumer;

10 9. "Device" means any physical object capable of connecting to
11 the Internet, directly or indirectly, or to another device;

12 10. "Identifier" means data elements or other information that
13 alone or in conjunction with other information can be used to
14 identify a particular consumer, household or device that is linked
15 to a particular consumer or household;

16 11. "Internet service provider" means a person who provides a
17 mass-market retail service by wire or radio that provides the
18 capability to transmit data and to receive data from all or
19 substantially all Internet endpoints, including any capabilities
20 that are incidental to and enable the operations of the service,
21 excluding dial-up Internet access service;

22 12. "Person" means an individual, sole proprietorship, firm,
23 partnership, joint venture, syndicate, business trust, company,
24

1 corporation, limited liability company, association, committee and
2 any other organization or group of persons acting in concert;

3 13. "Personal information" means information that identifies,
4 relates to, describes, can be associated with or can reasonably be
5 linked to, directly or indirectly, a particular consumer or
6 household. The term includes the following categories of
7 information if the information identifies, relates to, describes,
8 can be associated with or can reasonably be linked to, directly or
9 indirectly, a particular consumer or household:

- 10 a. an identifier, including a real name, alias, mailing
11 address, account name, date of birth, driver license
12 number, unique identifier, Social Security number,
13 passport number, signature, telephone number or other
14 government-issued identification number, or other
15 similar identifier,
- 16 b. an online identifier, including an electronic mail
17 address or Internet Protocol address, or other similar
18 identifier,
- 19 c. a physical characteristic or description, including a
20 characteristic of a protected classification under
21 state or federal law,
- 22 d. commercial information, including:
 - 23 (1) a record of personal property,

24

- 1 (2) a good or service purchased, obtained or
2 considered,
3 (3) an insurance policy number, or
4 (4) other purchasing or consuming histories or
5 tendencies,
- 6 e. biometric information,
7 f. Internet or other electronic network activity
8 information, including:
9 (1) browsing or search history, and
10 (2) other information regarding a consumer's
11 interaction with an Internet website, application
12 or advertisement,
- 13 g. geolocation data,
14 h. audio, electronic, visual, thermal, olfactory or other
15 similar information,
16 i. professional or employment-related information,
17 j. education information that is not publicly available
18 personally identifiable information under the federal
19 Family Educational Rights and Privacy Act of 1974,
20 k. financial information, including a financial
21 institution account number, credit or debit card
22 number, or password or access code associated with a
23 credit or debit card or bank account,
24 l. medical information,

- 1 m. health insurance information, or
- 2 n. inferences drawn from any of the information listed
- 3 under this paragraph to create a profile about a
- 4 consumer that reflects the consumer's preferences,
- 5 characteristics, psychological trends,
- 6 predispositions, behavior, attitudes, intelligence,
- 7 abilities or aptitudes;

8 14. "Processing information" means performing any operation or

9 set of operations on personal data or on sets of personal data,

10 whether or not by automated means;

11 15. "Publicly available information" means information that is

12 lawfully made available to the public from federal, state or local

13 government records or information received from widely distributed

14 media or by the consumer in the public domain. The term does not

15 include:

- 16 a. biometric information of a consumer collected by a
- 17 business without the consumer's knowledge or consent,
- 18 or
- 19 b. de-identified or aggregate consumer information;

20 16. "Service provider" means a for-profit entity as described

21 by paragraph 3 of this section that processes information on behalf

22 of a business and to which the business discloses, for a business

23 purpose, a consumer's personal information under a written contract,

24 provided that the contract prohibits the entity receiving the

1 information from retaining, using or disclosing the information for
2 any purpose other than:

- 3 a. providing the services specified in the contract with
4 the business, or
- 5 b. for a purpose permitted by this act, including for a
6 commercial purpose other than providing those
7 specified services;

8 17. "Third party" means a person who is not:

- 9 a. a business to which this act applies that collects
10 personal information from consumers, or
- 11 b. a person to whom the business discloses, for a
12 business purpose, a consumer's personal information
13 under a written contract, provided that the contract:
 - 14 (1) prohibits the person receiving the information
15 from:
 - 16 (a) selling the information,
 - 17 (b) retaining, using or disclosing the
18 information for any purpose other than
19 providing the services specified in the
20 contract, including for a commercial purpose
21 other than providing those services, and
 - 22 (c) retaining, using or disclosing the
23 information outside of the direct business

24

1 relationship between the person and the
2 business, and

3 (2) includes a certification made by the person
4 receiving the personal information that the
5 person understands and will comply with the
6 prohibitions under division (1) of this
7 subparagraph;

8 18. "Unique identifier" means a persistent identifier that can
9 be used over time and across different services to recognize a
10 consumer, a custodial parent or guardian, or any minor children over
11 which the parent or guardian has custody, or a device that is linked
12 to those individuals. The term includes:

- 13 a. a device identifier,
- 14 b. an Internet Protocol address,
- 15 c. a cookie, beacon, pixel tag, mobile ad identifier or
16 similar technology,
- 17 d. a customer number, unique pseudonym or user alias,
- 18 e. a telephone number, and
- 19 f. another form of a persistent or probabilistic
20 identifier that can be used to identify a particular
21 consumer or device;

22 19. "Verifiable consumer request" means a request:

- 23 a. that is made by a consumer, a consumer on behalf of
24 the consumer's minor child, or a natural person or

1 person who is authorized by a consumer to act on the
2 consumer's behalf, and

- 3 b. that a business can reasonably verify, in accordance
4 with Section 19 of this act, was submitted by the
5 consumer about whom the business has collected
6 personal information; and

7 20. "Consent" means an act that clearly and conspicuously
8 communicates the individual's authorization of an act or practice
9 that is made in the absence of any mechanism in the user interface
10 that has the purpose or substantial effect of obscuring, subverting
11 or impairing decision-making or choice to obtain consent.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 901.3 of Title 17, unless there
14 is created a duplication in numbering, reads as follows:

15 A. This act applies only to:

16 1. A business that:

- 17 a. does business in this state,
18 b. collects consumers' personal information or has that
19 information collected on the business's behalf,
20 c. alone or in conjunction with others, determines the
21 purpose for and means of processing consumers'
22 personal information, and
23 d. satisfies one or more of the following thresholds:
24

- 1 (1) has annual gross revenue in an amount that
2 exceeds Ten Million Dollars (\$10,000,000.00),
3 (2) alone or in combination with others, annually
4 buys, sells or receives or shares for commercial
5 purposes the personal information of fifty
6 thousand or more consumers, households or
7 devices, or
8 (3) derives twenty-five percent (25%) or more of the
9 business's annual revenue from selling consumers'
10 personal information; and

11 2. An entity that controls or is controlled by a business
12 described by paragraph 1 of this subsection and that shares the same
13 or substantially similar brand name and/or common database for
14 consumers' personal information. For purposes of this paragraph,
15 "control" means the:

- 16 a. ownership of, or power to vote, more than fifty
17 percent (50%) of the outstanding shares of any class
18 of voting security of a business,
19 b. control in any manner over the election of a majority
20 of the directors or of individuals exercising similar
21 functions, or
22 c. power to exercise a controlling influence over the
23 management of a company.
24

1 B. For purposes of this act, a business sells a consumer's
2 personal information to another business or a third party if the
3 business sells, rents, discloses, disseminates, makes available,
4 transfers or otherwise communicates, orally, in writing, or by
5 electronic or other means, the information to the other business or
6 third party for monetary or other valuable consideration.

7 C. For purposes of this act, a business does not sell a
8 consumer's personal information if:

9 1. The consumer directs the business to intentionally disclose
10 the information or uses the business to intentionally interact with
11 a third party, provided that the third party does not sell the
12 information, unless that disclosure is consistent with this act; or

13 2. The business:

14 a. uses or shares an identifier of the consumer to alert
15 a third party that the consumer has opted out of the
16 sale of the information,

17 b. uses or shares with a service provider a consumer's
18 personal information that is necessary to perform a
19 business purpose if:

20 (1) the business provided notice that the information
21 is being used or shared in the business's terms
22 and conditions consistent with Sections 13 and 17
23 of this act, and
24

1 (2) the service provider does not further collect,
2 sell or use the information except as necessary
3 to perform the business purpose, or

4 c. transfers to a third party a consumer's personal
5 information as an asset that is part of a merger,
6 acquisition, bankruptcy or other transaction in which
7 the third party assumes control of all or part of the
8 business, provided that information is used or shared
9 consistent with this act.

10 D. For purposes of paragraph 1 of subsection C of this section,
11 an intentional interaction occurs if the consumer does one or more
12 deliberate acts with the intent to interact with a third party.
13 Placing a cursor over, muting, pausing or closing online content
14 does not constitute a consumer's intent to interact with a third
15 party. Instead, said deliberate act must be consent to such
16 interaction as defined herein.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 901.4 of Title 17, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act does not apply to:

- 21 1. Publicly available information;
- 22 2. Medical information governed by state privacy health laws or
23 protected health information that is collected by a covered entity
24 or business associate governed by the privacy, security and data

1 breach notification rules issued by the United States Department of
2 Health and Human Services, Parts 160 and 164 of Title 45 of the Code
3 of Federal Regulations, established pursuant to the federal Health
4 Insurance Portability and Accountability Act of 1996 (Public Law
5 104-191) and the federal Health Information Technology for Economic
6 and Clinical Health Act, Title XIII of the federal American Recovery
7 and Reinvestment Act of 2009 (Public Law 111-5);

8 3. A provider of health care, or a health plan, governed by
9 state privacy health laws or a covered entity governed by the
10 privacy, security and data breach notification rules issued by the
11 United States Department of Health and Human Services, Parts 160 and
12 164 of Title 45 of the Code of Federal Regulations, established
13 pursuant to the federal Health Insurance Portability and
14 Accountability Act of 1996 (Public Law 104-191), to the extent the
15 provider or covered entity maintains, uses and discloses patient
16 information in the same manner as medical information or protected
17 health information as described in paragraph 2 of subsection A of
18 this section;

19 4. A business associate of a covered entity governed by the
20 privacy, security and data breach notification rules issued by the
21 United States Department of Health and Human Services, Parts 160 and
22 164 of Title 45 of the Code of Federal Regulations, established
23 pursuant to the federal Health Insurance Portability and
24 Accountability Act of 1996 (Public Law 104-191) and the federal

1 Health Information Technology for Economic and Clinical Health Act,
2 Title XIII of the federal American Recovery and Reinvestment Act of
3 2009 (Public Law 111-5), to the extent that the business associate
4 maintains, uses and discloses patient information in the same manner
5 as medical information or protected health information as described
6 in paragraph 2 of subsection A of this section;

7 5. Information that meets both of the following conditions:

- 8 a. is de-identified in accordance with the requirements
9 for de-identification set forth in Section 164.514 of
10 Part 164 of Title 45 of the Code of Federal
11 Regulations, and
12 b. is derived from patient information that was
13 originally collected, created, transmitted or
14 maintained by an entity regulated by the Health
15 Insurance Portability and Accountability Act of 1996
16 or the Federal Policy for the Protection of Human
17 Subjects, also known as the Common Rule.

18 Information that meets the requirements of subparagraph a or b
19 of this paragraph but is subsequently re-identified shall no longer
20 be eligible for the exemption in this paragraph and shall be subject
21 to applicable federal and state data privacy and security laws,
22 including, but not limited to, the Health Insurance Portability and
23 Accountability Act of 1996 and state medical privacy laws;

24

1 6. Information that is collected, used or disclosed in
2 research, as defined in Section 164.501 of Title 45 of the Code of
3 Federal Regulations, including, but not limited to, a clinical
4 trial, and that is conducted in accordance with applicable ethics,
5 confidentiality, privacy and security rules of Part 164 of Title 45
6 of the Code of Federal Regulations, the Federal Policy for the
7 Protection of Human Subjects, also known as the Common Rule, good
8 clinical practice guidelines issued by the International Council for
9 Harmonisation, or human subject protection requirements of the
10 United States Food and Drug Administration;

11 7. The sale of personal information to or by a consumer
12 reporting agency if the information is to be:

- 13 a. reported in or used to generate a consumer report, as
14 defined by Section 1681a(d) of the Fair Credit
15 Reporting Act (15 U.S.C., Section 1681 et seq.), and
- 16 b. used solely for a purpose authorized under that act;

17 8. Personal information collected, processed, sold or disclosed
18 in accordance with:

- 19 a. the federal Gramm-Leach-Bliley Act of 1999 (Public Law
20 106-102) and its implementing regulations, or
- 21 b. the federal Driver's Privacy Protection Act of 1994
22 (18 U.S.C., Section 2721 et seq.);

23 9. De-identified or aggregate consumer information; or
24

1 10. A consumer's personal information collected or sold by a
2 business, if every aspect of the collection or sale occurred wholly
3 outside of this state.

4 Provided further, nothing in this act shall be deemed to apply
5 in any manner to a financial institution or an affiliate of a
6 financial institution that is subject to the federal Gramm-Leach-
7 Bliley Act of 1999 and the rules promulgated thereunder.

8 B. For the purposes of this section, a business or other person
9 shall not re-identify, or attempt to re-identify, information that
10 has met the requirements of paragraphs 2 through 6 of subsection A
11 of this section, except for one or more of the following purposes:

12 1. Treatment, payment or health care operations conducted by a
13 covered entity or business associate acting on behalf of, and at the
14 written direction of, the covered entity. For purposes of this
15 paragraph, "treatment", "payment", "health care operations" and
16 "covered entity" have the same meaning as defined in Section 164.501
17 of Title 45 of the Code of Federal Regulations, and "business
18 associate" has the same meaning as defined in Section 160.103 of
19 Title 45 of the Code of Federal Regulations;

20 2. Public health activities or purposes as described in Section
21 164.512 of Title 45 of the Code of Federal Regulations;

22 3. Research, as defined in Section 164.501 of Title 45 of the
23 Code of Federal Regulations, that is conducted in accordance with
24 Part 46 of Title 45 of the Code of Federal Regulations and the

1 Federal Policy for the Protection of Human Subjects, also known as
2 the Common Rule;

3 4. Pursuant to a contract where the lawful holder of the de-
4 identified information expressly engages a person or entity to
5 attempt to re-identify the de-identified information in order to
6 conduct testing, analysis, or validation of de-identification, or
7 related statistical techniques, if the contract bans any other use
8 or disclosure of the re-identified information and requires the
9 return or destruction of the information that was re-identified upon
10 completion of the contract; and

11 5. If otherwise required by law.

12 C. In accordance with paragraphs 2 through 6 of subsection A of
13 this section, information re-identified pursuant to this section
14 shall be subject to applicable federal and state data privacy and
15 security laws, including, but not limited to, the Health Insurance
16 Portability and Accountability Act of 1996 and state health privacy
17 laws.

18 D. Beginning January 1, 2023, any contract for the sale or
19 license of de-identified information that has met the requirements
20 of paragraphs 2 through 6 of subsection A of this section, where one
21 of the parties is a person residing or doing business in the state,
22 shall include the following, or substantially similar, provisions:

23 1. A statement that the de-identified information being sold or
24 licensed includes de-identified patient information;

1 2. A statement that re-identification, and attempted re-
2 identification, of the de-identified information by the purchaser or
3 licensee of the information is prohibited pursuant to this section;
4 and

5 3. A requirement that, unless otherwise required by law, the
6 purchaser or licensee of the de-identified information may not
7 further disclose the de-identified information to any third party
8 unless the third party is contractually bound by the same or
9 stricter restrictions and conditions.

10 E. For purposes of this section, "re-identify" means the
11 process of reversal of de-identification techniques, including, but
12 not limited to, the addition of specific pieces of information or
13 data elements that can, individually or in combination, be used to
14 uniquely identify an individual or usage.

15 F. For purposes of paragraph 10 of subsection A of this
16 section, the collection or sale of a consumer's personal information
17 occurs wholly outside of this state if:

18 1. The business collects that information while the consumer is
19 outside of this state;

20 2. No part of the sale of the information occurs in this state;
21 and

22 3. The business does not sell any personal information of the
23 consumer collected while the consumer is in this state.

24

1 G. For purposes of subsection F of this section, the collection
2 or sale of a consumer's personal information does not occur wholly
3 outside of this state if a business stores a consumer's personal
4 information, including on a device, when the consumer is in this
5 state and subsequently collects or sells that stored information
6 when the consumer and the information are outside of this state.

7 H. For purposes of this section, all of the following shall
8 apply:

9 1. "Business associate" has the same meaning as defined in
10 Section 160.103 of Title 45 of the Code of Federal Regulations;

11 2. "Covered entity" has the same meaning as defined in Section
12 160.103 of Title 45 of the Code of Federal Regulations;

13 3. "Identifiable private information" has the same meaning as
14 defined in Section 46.102 of Title 45 of the Code of Federal
15 Regulations;

16 4. "Individually identifiable health information" has the same
17 meaning as defined in Section 160.103 of Title 45 of the Code of
18 Federal Regulations;

19 5. "Medical information" means any individually identifiable
20 information, in electronic or physical form, in possession of or
21 derived from a provider of health care, health care service plan,
22 pharmaceutical company, or contractor regarding a patient's medical
23 history, mental or physical condition, or treatment;

24

1 6. "Patient information" means identifiable private
2 information, protected health information individually identifiable
3 health information, or medical information;

4 7. "Protected health information" has the same meaning as
5 defined in Section 160.103 of Title 45 of the Code of Federal
6 Regulations; and

7 8. "Provider of health care" means a person or entity that is a
8 covered entity.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 901.5 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 A right or obligation under this act does not apply to the
13 extent that the exercise of the right or performance of the
14 obligation infringes on a noncommercial activity of:

15 1. A publisher, editor, reporter or other person connected with
16 or employed by a newspaper, magazine or other publication of general
17 circulation, including a periodical newsletter, pamphlet or report;

18 2. A radio or television station that holds a license issued by
19 the Federal Communications Commission; or

20 3. An entity that provides an information service, including a
21 press association or wire service.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 901.6 of Title 17, unless there
24 is created a duplication in numbering, reads as follows:

1 This act does not:

2 1. Restrict a business's ability to:

3 a. comply with:

4 (1) applicable federal, state or local laws, or

5 (2) a civil, criminal or regulatory inquiry,
6 investigation, subpoena or summons by a federal,
7 state or local authority,

8 b. cooperate with a law enforcement agency concerning

9 conduct or activity that the business, a service
10 provider of the business or a third party reasonably
11 and in good faith believes may violate other
12 applicable federal, state or local laws,

13 c. pursue or defend against a legal claim,

14 d. detect a security incident; protect against malicious,
15 deceptive, fraudulent or illegal activity; or
16 prosecute those responsible for any illegal activity
17 described by this paragraph, or

18 e. assist another party with any of the foregoing; or

19 2. Require a business to violate an evidentiary privilege under
20 federal or state law or prevent a business from disclosing to a
21 person covered by an evidentiary privilege the personal information
22 of a consumer as part of a privileged communication.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.7 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act shall be liberally construed to effect its purposes
5 and to harmonize, to the extent possible, with other laws of this
6 state relating to the privacy or protection of personal information.

7 B. To the extent of a conflict between a provision of this act
8 and a provision of federal law, including a regulation or an
9 interpretation of federal law, federal law controls and conflicting
10 requirements or other provisions of this act do not apply. Further,
11 should the federal government pass comprehensive data privacy
12 regulations that conflict with the provisions herein, federal law
13 shall prevail.

14 C. To the extent of a conflict between a provision of this act
15 and another statute of this state with respect to the privacy or
16 protection of consumers' personal information, the provision of law
17 that affords the greatest privacy or protection to consumers
18 prevails.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 901.8 of Title 17, unless there
21 is created a duplication in numbering, reads as follows:

22 This act preempts and supersedes any ordinance, order or rule
23 adopted by a political subdivision of this state relating to the
24

1 collection or sale by a business of a consumer's personal
2 information.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 901.9 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 Except as used in Section 4 of this act, for purposes of this
7 act, "research" means scientific, systematic study and observation,
8 including basic research or applied research that is in the public
9 interest and that adheres to all other applicable ethics and privacy
10 laws or studies conducted in the public interest in the area of
11 public health. Research with personal information that may have
12 been collected from a consumer in the course of the consumer's
13 interactions with a business's service or device for other purposes
14 must be:

15 1. Compatible with the business purpose for which the personal
16 information was collected;

17 2. Subsequently pseudonymized and de-identified, or de-
18 identified and in the aggregate, such that the information cannot
19 reasonably identify, relate to, describe, be capable of being
20 associated with, or be linked, directly or indirectly, to a
21 particular consumer;

22 3. Made subject to technical safeguards that prohibit re-
23 identification of the consumer to whom the information may pertain;

24

- 1 4. Subject to business processes that specifically prohibit re-
2 identification of the information;
- 3 5. Made subject to business processes to prevent inadvertent
4 release of de-identified information;
- 5 6. Protected from any re-identification attempts;
- 6 7. Used solely for research purposes that are compatible with
7 the context in which the personal information was collected;
- 8 8. Not used for any commercial purpose; and
- 9 9. Subjected by the business conducting the research to
10 additional security controls that limit access to the research data
11 to only those individuals in a business as are necessary to carry
12 out the research purpose.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 901.10 of Title 17, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A consumer is entitled to request that a business that
17 collects the consumer's personal information disclose to the
18 consumer the categories and specific items of personal information
19 the business has collected.

20 B. To receive the disclosure of information under subsection A
21 of this section, a consumer must submit to the business a verifiable
22 consumer request using a method designated by the business under
23 Section 18 of this act.

24

1 C. On receipt of a verifiable consumer request under this
2 section, a business shall disclose to the consumer in the time and
3 manner provided by Section 20 of this act:

4 1. Each enumerated category and item within each category of
5 personal information under paragraph 13 of Section 2 of this act
6 that the business collected about the consumer during the twelve
7 (12) months preceding the date of the request;

8 2. Each category of sources from which the information was
9 collected;

10 3. The business or commercial purpose for collecting or selling
11 the personal information; and

12 4. Each category of third parties with whom the business shares
13 the personal information.

14 D. This section does not require a business to:

15 1. Retain a consumer's personal information that was collected
16 for a one-time transaction if the information is not sold or
17 retained in the ordinary course of business; or

18 2. Re-identify or otherwise link any data that, in the ordinary
19 course of business, is not maintained in a manner that would be
20 considered personal information.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 901.11 of Title 17, unless there
23 is created a duplication in numbering, reads as follows:

1 A. A consumer is entitled to request that a business that
2 collects the consumer's personal information delete any personal
3 information the business has collected from the consumer by
4 submitting a verifiable consumer request using a method designated
5 by the business under Section 18 of this act.

6 B. Except as provided by subsection C of this section, on
7 receipt of a verifiable consumer request under this section, a
8 business shall delete from the business's records any personal
9 information collected from the consumer and direct a service
10 provider of the business to delete the information from the
11 provider's records in the time provided for in Section 20 of this
12 act.

13 C. A business or service provider of the business is not
14 required to comply with a verifiable consumer request received under
15 this section if the business or service provider needs to retain the
16 consumer's personal information to:

17 1. Complete the transaction for which the information was
18 collected;

19 2. Provide a good or service requested by the consumer in the
20 context of the ongoing business relationship between the business
21 and consumer;

22 3. Perform under a contract between the business and the
23 consumer;

24

1 4. Detect a security incident; protect against malicious,
2 deceptive, fraudulent or illegal activity; or prosecute those
3 responsible for any illegal activity described by this paragraph;

4 5. Identify and repair or remove errors from computer hardware
5 or software that impair its intended functionality;

6 6. Exercise free speech or ensure the right of another consumer
7 to exercise the right of free speech or another right afforded by
8 law;

9 7. Comply with a court order or subpoena or other lawful
10 process; or

11 8. Engage in public or peer-reviewed scientific, historical or
12 statistical research that is in the public interest and that adheres
13 to all other applicable ethics and privacy laws, provided that:

14 a. the business's deletion of the information is likely
15 to render impossible or seriously impair the
16 achievement of that research, and

17 b. the consumer has previously provided to the business
18 informed consent to retain the information for such
19 use.

20 D. Where a business, service provider or third party has made a
21 consumer's personal information public, said business, service
22 provider or third party shall:

23 1. Take all reasonable steps, including technical measures, to
24 erase the personal information that the business, service provider

1 or third party made public, taking into account available technology
2 and the cost of implementation; and

3 2. Advise any other business, service provider or third party
4 with whom a contract regarding the consumer exists that the consumer
5 has requested the erasure of any links to, copies of or replication
6 of that personal information.

7 SECTION 12. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 901.12 of Title 17, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A consumer is entitled to request that a business that
11 sells, or discloses for a business purpose, the consumer's personal
12 information disclose to the consumer:

13 1. The categories of personal information the business
14 collected about the consumer;

15 2. The categories of personal information about the consumer
16 the business sold, or disclosed for a business purpose; and

17 3. The categories of third parties to whom the personal
18 information was sold or disclosed.

19 B. To receive the disclosure of information under subsection A
20 of this section, a consumer must submit to the business a verifiable
21 consumer request using a method designated by the business under
22 Section 18 of this act.

23

24

1 C. On receipt of a verifiable consumer request under this
2 section, a business shall disclose to the consumer in the time and
3 manner provided by Section 20 of this act:

4 1. Each enumerated category of personal information under
5 paragraph 13 of Section 2 of this act that the business collected
6 about the consumer during the twelve (12) months preceding the date
7 of the request;

8 2. The categories of third parties to whom the business sold
9 the consumer's personal information during the twelve (12) months
10 preceding the date of the request, by reference to each enumerated
11 category of information under paragraph 13 of Section 2 of this act
12 sold to each third party; and

13 3. The categories of third parties to whom the business
14 disclosed for a business purpose the consumer's personal information
15 during the twelve (12) months preceding the date of the request, by
16 reference to each enumerated category of information under paragraph
17 13 of Section 2 of this act disclosed to each third party.

18 D. A business shall provide the information described by
19 paragraphs 2 and 3 of subsection C of this section in two separate
20 lists.

21 E. A business that did not sell, or disclose for a business
22 purpose, the consumer's personal information during the twelve (12)
23 months preceding the date of receiving the consumer's verifiable
24

1 consumer request under this section shall disclose that fact to the
2 consumer.

3 SECTION 13. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 901.13 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A consumer is entitled at any time to opt out of the sale of
7 the consumer's personal information by a business to third parties
8 by directing the business not to sell the information. A consumer
9 may authorize another person solely to opt out of the sale of the
10 consumer's personal information on the consumer's behalf. A
11 business shall comply with a direction not to sell that is received
12 under this subsection.

13 B. To exercise the right to opt out specified in subsection A
14 of this section, a consumer shall submit to the business a
15 verifiable consumer request using a method designated by the
16 business under Section 18 of this act.

17 C. A business that sells consumers' personal information to a
18 third party shall provide on the business's Internet website:

19 1. Notice to consumers that:

20 a. the information may be sold,

21 b. identifies the categories of persons to whom the
22 information will or could be sold, and

23 c. consumers have the right to opt in to the sale; and
24

1 2. A clear and conspicuous link that enables a consumer, or
2 person authorized by the consumer, to opt in to the sale of the
3 consumer's personal information.

4 D. A business may not sell to a third party the personal
5 information of a consumer who does not opt in to the sale of that
6 information after the effective date of this act or after a consumer
7 submits a verifiable request to opt out of any future sale.

8 E. A business may use any personal information collected from
9 the consumer in connection with the consumer's opting out under this
10 section solely to comply with this section.

11 F. A third party to whom a business has sold the personal
12 information of a consumer may not sell the information unless the
13 consumer receives explicit notice of the potential sale and is
14 provided the opportunity to, and in fact does, exercise the right to
15 opt in to the sale as provided by this section.

16 G. A business may not require a consumer to create an account
17 with the business to opt in to the sale of the consumer's personal
18 information.

19 H. A business or service provider shall implement and maintain
20 reasonable security procedures and practices, including
21 administrative, physical and technical safeguards appropriate to the
22 nature of the information and the purposes for which the personal
23 information will be used, to protect consumers' personal information
24 from unauthorized use, disclosure, access, destruction or

1 modification, irrespective of whether a customer has opted in or out
2 of a sale of data.

3 SECTION 14. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 901.14 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Legislature of the State of Oklahoma finds that
7 individuals within Oklahoma have a right to prohibit retention, use
8 or disclosure of their own personal data.

9 B. The Legislature of the State of Oklahoma further finds that
10 individuals within Oklahoma have previously been exploited for
11 monetary gain and manipulation by private ventures in utilization of
12 private data.

13 C. The Legislature of the State of Oklahoma further finds that
14 the protection of individuals within Oklahoma and their data is a
15 core governmental function in order to protect the health, safety
16 and welfare of individuals within Oklahoma.

17 D. The Legislature of the State of Oklahoma further finds that
18 the terms and conditions set forth in this act are the least
19 restrictive alternative necessary to protect individuals within
20 Oklahoma and their rights and that the use of a strictly "opt-out"
21 method for data privacy is ineffectual and poses an immediate risk
22 to the health, safety and welfare of individuals within Oklahoma.

23

24

1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.15 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A provision of a contract or other agreement that purports
5 to waive or limit a right, remedy or means of enforcement under this
6 act is contrary to public policy and is void.

7 B. This section does not prevent a consumer from:

8 1. Declining to request information from a business;

9 2. Declining to opt in to a business's sale of the consumer's
10 personal information; or

11 3. Authorizing a business to sell the consumer's personal
12 information after previously opting out.

13 SECTION 16. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 901.16 of Title 17, unless there
15 is created a duplication in numbering, reads as follows:

16 A. After the effective date of this act, a business shall not
17 collect a consumer's personal information directly from the consumer
18 prior to notifying the consumer of each category of personal
19 information to be collected and for what purposes information will
20 be used, as well as obtaining the consumer's consent, which may be
21 provided electronically by the consumer, to collect a consumer's
22 personal information.

23 B. A business may not collect an additional category of
24 personal information directly from the consumer or use personal

1 information collected for an additional purpose unless the business
2 provides notice to the consumer of the additional category or
3 purpose in accordance with subsection A of this section.

4 C. If a third party that assumes control of all or part of a
5 business as described by subparagraph c of paragraph 2 of subsection
6 C of Section 3 of this act materially alters the practices of the
7 business in how personal information is used or shared, and the
8 practices are materially inconsistent with a notice provided to a
9 consumer under subsection A or B of this section, the third party
10 must notify the consumer of the third party's new or changed
11 practices in a conspicuous manner that allows the consumer to easily
12 exercise a right provided under this act before the third party uses
13 or shares the personal information.

14 D. Subsection C of this section does not authorize a business
15 to make a material, retroactive change or other change to a
16 business's privacy policy in a manner that would be a deceptive
17 trade practice actionable under Oklahoma law.

18 SECTION 17. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 901.17 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A business that collects, sells or for a business purpose
22 discloses a consumer's personal information shall disclose the
23 following information in the business's online privacy policy or
24 other notice of the business's policies:

1 1. A description of a consumer's rights under Sections 10, 11,
2 12, 13 and 16 of this act and designated methods for submitting a
3 verifiable consumer request under this act;

4 2. For a business that collects personal information about
5 consumers, a description of the consumer's right to request the
6 deletion of the consumer's personal information;

7 3. Separate lists containing the categories of consumers'
8 personal information described by paragraph 13 of Section 2 of this
9 act that, during the twelve (12) months preceding the date the
10 business updated the information as required by subsection C of this
11 section, the business:

12 a. collected,

13 b. sold, if applicable, or

14 c. disclosed for a business purpose, if applicable;

15 4. The categories of sources from which the information under
16 paragraph 3 of this subsection is collected;

17 5. The business or commercial purposes for collecting personal
18 information;

19 6. If the business does not sell consumers' personal
20 information or disclose the information for a business or commercial
21 purpose, a statement of that fact;

22 7. The categories of third parties to whom the business sells
23 or discloses personal information;

24

1 8. If the business sells consumers' personal information, the
2 Internet link required by subsection C of Section 13 of this act;
3 and

4 9. If applicable, the financial incentives offered to consumers
5 under Section 23 of this act.

6 B. If a business described by subsection A of this section does
7 not have an online privacy policy or other notice of the business's
8 policies, the business shall make the information required under
9 subsection A of this section available to consumers on the
10 business's Internet website or another website the business
11 maintains that is dedicated to consumers in this state.

12 C. A business must update the information required by
13 subsection A of this section at least once each year.

14 SECTION 18. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 901.18 of Title 17, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A business shall designate and make available to consumers,
18 in a form that is reasonably accessible, at least two methods for
19 submitting a verifiable consumer request for information required to
20 be disclosed or deleted under this act. The methods must include,
21 at a minimum:

22 1. A toll-free telephone number that a consumer may call to
23 submit the request; and

24

1 2. The business's Internet website at which the consumer may
2 submit the request.

3 B. The methods designated under subsection A of this section
4 may also include:

- 5 1. A mailing address;
- 6 2. An electronic mail address; or
- 7 3. Another Internet web page or portal.

8 C. A business may not require a consumer to create an account
9 with the business to submit a verifiable consumer request.

10 SECTION 19. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 901.19 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A business that receives a verifiable consumer request under
14 Section 10, 11, 12 or 13 of this act shall promptly take steps to
15 reasonably verify that:

16 1. The consumer who is the subject of the request is a consumer
17 about whom the business has collected, sold, or for a business
18 purpose disclosed personal information; and

- 19 2. The request is made by:
 - 20 a. the consumer,
 - 21 b. a consumer on behalf of the consumer's minor child, or
 - 22 c. a person authorized to act on the consumer's behalf.

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1 B. A business may use any personal information collected from
2 the consumer in connection with the business's verification of a
3 request under this section solely to verify the request.

4 C. A business that is unable to verify a consumer request under
5 this section is not required to comply with the request.

6 SECTION 20. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 901.20 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Not later than forty-five (45) days after the date a
10 business receives a verifiable consumer request under Section 10,
11 11, 12 or 13 of this act, the business shall disclose free of charge
12 to the consumer the information required to be disclosed under those
13 sections or take the requested actions, as applicable.

14 B. A business may extend the time in which to comply with
15 subsection A of this section once by an additional forty-five (45)
16 days if reasonably necessary or by an additional ninety (90) days
17 after taking into account the number and complexity of verifiable
18 consumer requests received by the business. A business that extends
19 the time in which to comply with subsection A of this section shall
20 notify the consumer of the extension and reason for the delay within
21 the period prescribed by that subsection.

22 C. The disclosure required by subsection A of this section
23 must:

24

1 1. Cover personal information collected, sold or disclosed for
2 a business purpose, as applicable, during the twelve (12) months
3 preceding the date the business receives the request; and

4 2. Be made in writing and delivered to the consumer:

5 a. by mail or electronically, at the consumer's option,
6 if the consumer does not have an account with the
7 business, or

8 b. through the consumer's account with the business.

9 D. An electronic disclosure under subsection C of this section
10 must be in a readily accessible format that allows the consumer to
11 electronically transmit the information to another person or entity.

12 E. A business is not required to make the disclosure required
13 by subsection A of this section to the same consumer more than once
14 in a twelve-month period.

15 F. Notwithstanding subsection A of this section, if a
16 consumer's verifiable consumer request is manifestly baseless or
17 excessive, in particular because of repetitiveness, a business may
18 charge a reasonable fee after taking into account the administrative
19 costs of compliance or refusal to comply with the request. The
20 business has the burden of demonstrating that a request is
21 manifestly baseless or excessive.

22 G. A business that does not comply with a consumer's verifiable
23 consumer request under subsection A of this section shall notify the
24 consumer, within the time the business is required to respond to a

1 request under this section, of the reasons for the refusal and the
2 rights the consumer may have to appeal that decision.

3 SECTION 21. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 901.21 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A business that uses de-identified information may not re-
7 identify or attempt to re-identify a consumer who is the subject of
8 de-identified information without obtaining the consumer's consent
9 or authorization.

10 B. A business that uses de-identified information shall
11 implement:

12 1. Technical safeguards and business processes to prohibit re-
13 identification of the consumer to whom the information may pertain;
14 and

15 2. Business processes to prevent inadvertent release of de-
16 identified information.

17 C. This act may not be construed to require a business to re-
18 identify or otherwise link information that is not maintained in a
19 manner that would be considered personal information.

20 SECTION 22. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 901.22 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:

23 A. A business may not discriminate against a consumer because
24 the consumer exercised a right under this act, including by:

- 1 1. Denying a good or service to the consumer;
- 2 2. Charging the consumer a different price or rate for a good
3 or service, including denying the use of a discount or other benefit
4 or imposing a penalty;
- 5 3. Providing a different level or quality of a good or service
6 to the consumer; or
- 7 4. Suggesting that the consumer will be charged a different
8 price or rate for, or provided a different level or quality of, a
9 good or service.

10 B. This section does not prohibit a business from offering or
11 charging a consumer a different price or rate for a good or service,
12 or offering or providing to the consumer a different level or
13 quality of a good or service, if the difference is reasonably
14 related to the value provided to the consumer by the consumer's
15 data.

16 SECTION 23. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 901.23 of Title 17, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Subject to subsection B of this section, a business may
20 offer a financial incentive to a consumer, including a payment as
21 compensation, for the collection, sale or disclosure of the
22 consumer's personal information.

23 B. A business may enroll a customer in a financial incentive
24 program only if the business provides to the consumer a clear

1 description of the material terms of the program and obtains the
2 consumer's prior opt-in consent, which:

- 3 1. Contains a clear description of those material terms; and
- 4 2. May be revoked by the consumer at any time.

5 C. A business may not use financial incentive practices that
6 are unjust, unreasonable, coercive or usurious in nature.

7 SECTION 24. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 901.24 of Title 17, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A business may not divide a single transaction into more
11 than one transaction with the intent to avoid the requirements of
12 this act.

13 B. For purposes of this act, two or more substantially similar
14 or related transactions are considered a single transaction if the
15 transactions:

- 16 1. Are entered into contemporaneously; and
- 17 2. Have at least one common party.

18 C. A court shall disregard any intermediate transactions
19 conducted by a business with the intent to avoid the requirements of
20 this act, including the disclosure of information by a business to a
21 third party to avoid complying with the requirements under this act
22 applicable to a sale of the information.

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1 SECTION 25. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.25 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A business shall ensure that each person responsible for
5 handling consumer inquiries about the business's privacy practices
6 or compliance with this act is informed of the requirements of this
7 act and of how to direct a consumer in exercising any of the rights
8 to which a consumer is entitled under this act.

9 SECTION 26. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 901.26 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A person who violates this act is liable to this state for
13 injunctive relief and/or a civil penalty in an amount not to exceed:

14 1. Two Thousand Five Hundred Dollars (\$2,500.00) for each
15 violation; or

16 2. Seven Thousand Five Hundred Dollars (\$7,500.00) for each
17 violation, if the violation is intentional.

18 B. The Oklahoma Attorney General is entitled to recover
19 reasonable expenses, including reasonable attorney fees, court costs
20 and investigatory costs, incurred in obtaining injunctive relief or
21 civil penalties, or both, under this section. Amounts collected
22 under this section shall be deposited in a dedicated account in the
23 General Revenue Fund and shall be appropriated only for the purposes
24 of the administration and enforcement of this act.

1 SECTION 27. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.27 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A business that discloses to a third party, or discloses for a
5 business purpose to a service provider, a consumer's personal
6 information in compliance with this act may not be held liable for a
7 violation of this act by the third party or service provider if the
8 business does not have actual knowledge or a reasonable belief that
9 the third party or service provider intends to violate this act.

10 SECTION 28. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 901.28 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 A business's service provider may not be held liable for a
14 violation of this act by the business.

15 SECTION 29. This act shall become effective January 1, 2023.

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