



# Status of Proposed CCPA Amendments

(as of July 17, 2019)

BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">AB 25</a>	Exclusion of “employee” from the definition of consumer	(i) Clarifies that “consumer” does not include a natural person whose personal information has been collected by a business in the course of a person acting as a job applicant to, employee of, contractor of, or agent on behalf of, the business; provided, that their personal information is collected and used solely within the context of that person’s role as a job applicant, employee, contractor, or agent of the business; and (ii) states the Committee’s intent to work with stakeholders to ensure businesses can disclose specific pieces of information pursuant to a verifiable consumer request in a privacy protective manner, given that personal information can relate to a household or shared device.	07/11/2019	Amended and Approved by the Judiciary Committee - *the amendment includes a sunset provision and restricts the sale of employee data.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.
<a href="#">AB 846</a>	Loyalty Programs	(i) Specifies that nothing in the CCPA prohibits a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering goods or services for no fee, (a) in connection with loyalty or rewards programs; or (b) where the incentives are for a specific good or service whose functionality is <i>directly</i> (not <i>reasonably</i> ) related to the collection use, or sale of that consumer’s data; and (ii) prohibits a business from offering loyalty, rewards, premium features, discounts, or club card programs that are unjust, unreasonable, coercive, or <i>usurious in nature</i> .	07/11/2019	Amended and approved by the Judiciary Committee - amendments prohibit the sale of personal information of consumers collected as part of a loyalty, rewards, discount, premium features, or club card program.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.



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<a href="#">AB 1564</a>	Updating Disclosure Methods for Online Businesses	Requires businesses to provide consumers with, in addition to a website address (if available), <i>either</i> a toll-free telephone number <i>or an email address and a mailing address</i> for submitting requests for information instead of only a website address (if available) and a telephone number; provided, that <i>a business that operates exclusively online shall only be required to provide an email address.</i>	07/11/2019	Amended and approved by the Judiciary Committee – initially the amendment proposed to allow a business to provide consumers with either a toll-free number or an email address and physical address. The amendment brings back the toll-free number requirement, but exempts online-only businesses from operating a toll-free number.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.
<a href="#">AB 874</a>	Expands publicly available information exemption	Expands the “publicly available” information that is exempted from the definition of “personal information” to ensure “publicly available” information includes any information that is lawfully made available from government records.	07/10/2019	Passed in the Judiciary Committee without amendment.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.



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<a href="#">AB 1146</a>	Exemption for vehicle warranties and recalls.	(1) exempts from the <i>right to opt out</i> , vehicle information and ownership information <i>retained</i> or shared between a new auto dealer and the vehicle's manufacturer where the information is shared for the purposes of effectuating, or in anticipation of effectuating, a vehicle repair covered by a vehicle warranty or a recall; and (2) except from the right to deletion personal information that is necessary for the business to maintain in order to fulfill the terms of a written warranty or federally mandated recall covering a product that the consumer purchased .	07/10/2019	Amended and approved by the Judiciary Committee - amended to more clearly describe vehicle recalls.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.
<a href="#">AB 1355</a>	Clarification bill	(i) Clarifies that consumers who are <i>at least</i> 13 years of age and <i>less than</i> 16 years of age have the right to opt in to the sale of their personal information; and (ii) addresses the many drafting errors in the CCPA and makes other clarifying or technical, non-substantive changes.	07/10/2019	Passed in the Judiciary Committee without amendment.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.



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BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">AB 873</a>	Broadening the definition of de-identified and clarifying the definition of personal information	(i) Narrows definition of “personal information” to include information that is “ <i>reasonably</i> capable of being associated” with a particular individual or household instead of “information that is capable of being [so] associated”; and (ii) redefines “de-identified” to mean information that does not “ <i>identify and is not reasonably linkable</i> ” (instead of “ <i>does not reasonably identify, or link</i> ”), <i>directly or indirectly,</i> ” to a particular consumer; provided, that the business makes no attempt to re-identify the information, and takes certain reasonable technical and administrative measures.	07/09/2019	<b>Dead.</b> Failed to secure approval in the last Judiciary committee hearing.	Reconsideration granted. The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session.



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BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">AB 1416</a>	Government requests, fraud exception	(i) Specifies that the CCPA does not restrict a business's ability to comply with any rules or regulations <i>adopted pursuant to and in furtherance of state or federal laws</i> ; and (ii) establishes an exception to the CCPA for a business that (a) provides a consumer's personal information to a government agency solely for the purposes of carrying out a government program, if specified requirements are met; and/or (b) sells the personal information of a consumer who has opted-out of the sale of the consumer's personal information to another person for the sole purpose of detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity, if the business and the person do not further sell that information for any other purpose.	07/09/2019	<b>DEAD.</b> Hearing cancelled.	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session.



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(as of July 17, 2019)

BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">AB 1202</a> **	Data broker registration	<p>Requires data brokers to register with, and provide certain information to, the Attorney General. Latest amendments change the registration fee from an amount not to exceed the reasonable costs of <i>regulation</i>, to one not to exceed the reasonable costs to the Attorney General of <i>establishing and maintaining the website where data broker information will be made publically accessible</i>.</p> <p>The bill would define a data broker as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, subject to specified exceptions. Data brokers that fail to register would be subject to injunction and liability for civil penalties, fees, and costs in an action brought by the Attorney General.</p>	07/05/2019	Amended and approved by the Judiciary Committee – removed language that would have provided consumers the right to opt-out of the sale of their personal information by data brokers.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.



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(as of July 17, 2019)

BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">AB 1130**</a>	Expansion of personal information definition for data breach	<p>Expands the definition of “personal information” in California’s Data Breach Notification Law as it relates to both public agencies and businesses to include (1) tax identification numbers, passport numbers, military identification numbers, and unique identification numbers issued on a government document (in addition to those for driver’s licenses and California identification cards to these provisions) and (2) a person’s biometric information.</p> <p>This bill would authorize a person or business that is required to issue a security breach notification to include in a notification for a breach involving biometric data, instructions on how to notify other entities that used the same type of biometric data as an authenticator to no longer rely on data for authentication purposes.</p>	07/03/2019	Passed in the Judiciary Committee without amendment.	The bill will be voted on by the Committee on Appropriations in August and must be approved by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.
<a href="#">AB 981</a>	Insurance exemptions to opt-out/deletion requests	Eliminates a consumer’s right to request a business to delete or not sell the consumer’s personal information under the CCPA if it is necessary to retain or share the consumer’s personal information to complete an insurance transaction requested by the consumer.	05/29/2019	Dead. Failed to secure approval in the last Judiciary committee hearing.	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020.



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(as of July 17, 2019)

BILL	SUMMARY	DETAILED DESCRIPTION	DATE OF LAST ACTION	STATUS	NEXT STEPS
<a href="#">SB 561</a>	Expansion of the private right of action and elimination of the 30 day cure period.	(i) Expands consumers' private right of action, allowing consumers to bring private lawsuits based on alleged violations of <i>any</i> rights under the CCPA; (ii) eliminates the 30-day cure period available to businesses before a civil enforcement action may be brought by the California Attorney General; and (iii) eliminates the ability of a business to request guidance from the Attorney General on issues of compliance.	05/16/2019	<b>DEAD.</b> Held in committee and under submission	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session
<a href="#">AB 950**</a>	Requirement to disclose monetary value of data	(i) Requires a business that conducts business in California, and that collects a California resident's consumer data, (a) to disclose to the consumer the monetary value to the business of their consumer data in its privacy policy, and also including in its privacy policy disclosure of any use of a consumer's data that is not directly or exclusively related to the service that the consumer has contracted the business to provide, as specified; and (b) that sells that data, to disclose to the consumer the average price it is paid for a consumer's data and to disclose to the consumer the actual price it was paid for a consumer's data upon receipt of a verifiable request for that information from the consumer; and (ii) establishes the Consumer Data Privacy Commission.	03/04/2019	<b>Dead.</b> Referred to Privacy and Consumer Protection Committee	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session

\* A group of noncontroversial bills passed by a committee to another committee or the full Assembly or Senate. Bills may be placed upon the Consent Calendar if they are reported to the Floor with that recommendation and (1) have received no "no" votes in committee and (2) have had no opposition expressed by any person present at the hearing.

\*\* Note this is not a proposed amendment to the CCPA itself; this bill instead proposes amendments to other relevant privacy-related legislation, and so is included here for informational purposes.