

**Draft State Laws**  
(Hawaii, Maryland, Massachusetts, and Mississippi)

	<b>Hawaii</b>	<b>Maryland</b>	<b>Massachusetts</b>	<b>Mississippi</b>
<b>Effective Date</b>	Upon approval	January 1, 2021	January 1, 2023	July 1, 2019
<b>Overall Approach</b>	Modeled after CCPA, but eliminates duplicative obligations.	Modeled after CCPA, but some departures.	Modeled after CCPA, but eliminates duplicative obligations. Strict non-discrimination provision.	Near-duplicative of CCPA.
<b>Scope of Application</b>	Business is not defined; law seems to apply to all companies.	As for-profit legal entity that meets one of the following criteria:  (1) Has \$25M+ revenue  (2) Collects PI from more than 100,000 consumers  (3) More than ½ of revenue is from third party disclosure of PI. Also covers businesses that share common branding and are controlled by a covered entity.	Any for-profit legal entity that collects PI from MA residents and meets one of the following criteria:  (1) Has \$10M+ revenue  (2) More than 50% of revenue is from third party disclosure of PI. Also covers businesses that share common branding and are controlled by a covered entity.	Any for-profit legal entity that meets one of the following criteria:  (1) Has \$25M+ revenue  (2) Collects PI from more than 50,000 consumers  (3) More than 50% revenue is from third party disclosure of PI. Also covers businesses that share common branding and are controlled by a covered entity.
<b>Definition of Consumer</b>	Any individual who interacts with a business within the State.	An individual who resides in the state.	Natural person who is a resident of the Commonwealth; however law does not apply to employee data collected by business in its capacity as employer.	Natural person who is a Mississippi resident.
<b>Consumer Rights</b>	Access; deletion in certain circumstances; opt-out.	Access; deletion in certain circumstances; opt-out. Access rights include names of third parties to whom data has been sold.	Access; deletion in certain circumstances; opt-out of third party disclosure	Access; deletion in certain circumstances; opt-out.
<b>Notice Requirements</b>	Must notify consumer at, or before collection, of the categories of information to be collected, and the business purpose of the collection; must disclose additional information upon request about categories of information sold to third parties and categories of third parties to whom it was sold.	Must notify consumer at, or before collection, of the categories of information to be collected, the business purpose of the collection, third parties and business purpose behind disclosure to third parties, and consumers' rights.	Must notify consumer at, or before collection, of the categories of information to be collected, the business purpose of the collection, third parties and business purpose behind disclosure to third parties, and consumers' rights.	Must notify consumer at, or before collection, of the categories of information to be collected, the business purpose of the collection, third parties and business purpose behind disclosure to third parties, and consumers' rights. Must also disclose in online privacy policy the categories of information collected aligned to enumerated categories of the PI definition, categories of information sold third parties, and categories

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				disclosed for a business purpose and explain consumer's rights.
<b>Limitations on Differentiation of Services for the Provision of PI</b>	Prohibited unless reasonably related to the value provided to the consumer by the consumer's data, but may offer financial incentives.	No discrimination for exercise of rights; no exceptions and no ability to offer financial incentives.	No discrimination for exercise of rights; no exceptions and no ability to offer financial incentives.	Prohibited unless reasonably related to the value provided to the consumer by the consumer's data, but may offer financial incentives.
<b>Requirements Related to Data of Minors</b>	Opt-in consent required for consumers less than 16 years old.	None	Business may not disclose information to third party if consumer is under 18; no allowance for opt-in consent.	Opt-in consent for sale of PI for consumers between 13-16; opt-in consent from legal guardians for under 13.
<b>Private Right of Action</b>	None	None	Allows for civil lawsuit for any violation of the statute. Damages of up to \$750 or actual damages, whatever is greater.	Allows for civil lawsuit if any personal information is subject to unauthorized access due to failure of business to implement reasonable security. Damages of \$100-\$750 per consumer.
<b>Penalties (AG Enforcement)</b>	Not specified.	\$2500 per violation, \$7500 if intentional.	\$2500 per violation, \$7500 if intentional.	\$7500 per violation.
<b>Interaction With Federal Privacy Laws</b>	No exemptions	Data collected pursuant to a number of federal sectoral privacy laws is exempt.	Data collected pursuant to a number of federal sectoral privacy laws is exempt.	Data collected pursuant to a number of federal sectoral privacy laws is exempt.
<b>Likelihood of Passing</b>	High. Democrats control both chambers of legislature and governor's office.	Uncertain. Mass has a divided government.	None. Bill died in Committee two weeks after being introduced.	High. Democrats control both chambers of legislature and governor's office.