

1 ENGROSSED HOUSE  
2 BILL NO. 1030

By: West (Josh), Pae, Fugate,  
Alonso-Sandoval, and Sims  
of the House

3  
4 and

Howard of the Senate

5  
6  
7  
8 An Act relating to privacy of computer data;  
9 enacting the Oklahoma Computer Data Privacy Act;  
10 defining terms; providing for applicability of act  
11 to certain businesses that collect consumers'  
12 personal information; providing exemptions;  
13 prescribing compliance with other laws and legal  
14 proceedings; requiring act to be liberally  
15 construed to align its effects with other laws  
16 relating to privacy and protection of personal  
17 information; providing for controlling effect of  
18 federal law; providing for construction in event of  
19 conflict with state law; providing for controlling  
20 effect of law which provides greatest privacy or  
21 protection to consumers; providing for preemption  
22 of local law; providing consumers right to request  
23 disclosure of certain information; providing  
24 consumers right to request deletion of certain  
information; providing consumers the right to  
request and receive a disclosure of personal  
information sold or disclosed; providing consumers  
right to opt in and out of the sale of personal  
information; making legislative findings; providing  
contracts or other agreements purporting to waive  
or limit a right, remedy or means of enforcement  
contrary to public policy; requiring businesses  
collecting consumer data information inform  
consumer of certain information collected;  
prescribing required content of disclosures;  
requiring consumer consent; requiring businesses to  
provide online privacy policy or a notice of  
policies; requiring businesses to designate and  
make available methods for submitting verifiable  
consumer request for certain information; requiring

1 businesses receiving verifiable consumer requests  
2 reasonably verify identity of requesting consumer;  
3 requiring businesses disclose required information  
4 within a certain period; requiring businesses using  
5 de-identified information not re-identify or  
6 attempt to re-identify certain consumers; requiring  
7 permission; prohibiting discrimination against  
8 consumers for exercise of rights; authorizing  
9 businesses to offer financial incentives to  
10 consumers for collection, sale or disclosure of  
11 personal information; prohibiting division of  
12 single transactions; requiring employee training  
13 with respect to consumer inquiries; requiring  
14 disclosure of certain rights, requirements and  
15 information; providing civil penalties; authorizing  
16 Oklahoma Attorney General to take certain actions  
17 based on violations; authorizing Attorney General  
18 to recover reasonable expenses incurred in  
19 obtaining injunctive relief or civil penalties;  
20 directing Attorney General to deposit collected  
21 penalties in a dedicated account in the General  
22 Revenue Fund; providing certain immunities;  
23 providing protections to service providers;  
24 providing for codification; and providing an  
effective date.

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

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

This act shall be known and may be cited as the "Oklahoma  
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:

1 As used in this act:

2 1. "Aggregate consumer information" means information that  
3 relates to a group or category of consumers from which individual  
4 consumer identities have been removed and that is not linked or  
5 reasonably linkable to a particular consumer or household, including  
6 through a device. The term does not include one or more individual  
7 consumer records that have been de-identified;

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

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

20 3. "Business" means a for-profit entity, including a sole  
21 proprietorship, partnership, limited liability company, corporation,  
22 association or other legal entity that is organized or operated for  
23 the profit or financial benefit of the entity's shareholders or  
24

1 other owners, but does not include Internet service providers so  
2 long as they are acting in their role as Internet service providers;

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

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

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

19 (2) detecting a security incident, protecting against  
20 malicious, deceptive, fraudulent or illegal  
21 activity, and prosecuting those responsible for  
22 any illegal activity described by this division,  
23  
24

- 1 (3) identifying and repairing or removing errors that  
2 impair the intended functionality of computer  
3 hardware or software,
- 4 (4) using personal information in the short term or  
5 for a transient use, provided that the  
6 information is not:
- 7 (a) disclosed to a third party, and
  - 8 (b) used to build a profile about a consumer or  
9 alter an individual consumer's experience  
10 outside of a current interaction with the  
11 consumer, including the contextual  
12 customization of an advertisement displayed  
13 as part of the same interaction,
- 14 (5) performing a service on behalf of the business or  
15 service provider, including:
- 16 (a) maintaining or servicing an account,  
17 providing customer service, processing or  
18 fulfilling an order or transaction,  
19 verifying customer information, processing a  
20 payment, providing financing, providing  
21 advertising or marketing services, or  
22 providing analytic services, or
  - 23 (b) performing a service similar to a service  
24 described by subdivision (a) of this

1 division on behalf of the business or  
2 service provider,

3 (6) undertaking internal research for technological  
4 development and demonstration,

5 (7) undertaking an activity to:

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

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

13 (8) retention of employment data, or

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

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

22 6. "Commercial purpose" means a purpose that is intended to  
23 result in a profit or other tangible benefit or the advancement of a  
24 person's commercial or economic interests, such as by inducing

1 another person to buy, rent, lease, subscribe to, provide or  
2 exchange products, goods, property, information or services or by  
3 enabling or effecting, directly or indirectly, a commercial  
4 transaction. The term does not include the purpose of engaging in  
5 speech recognized by state or federal courts as noncommercial  
6 speech, including political speech and journalism;

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

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

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

14 10. "Genetic information" means any information, regardless of  
15 its format, that concerns a consumer's genetic characteristics.

16 Genetic information includes, but is not limited to:

17 a. raw sequence data that result from sequencing of a  
18 consumer's complete extracted or a portion of the  
19 extracted DNA,

20 b. genotypic and phenotypic information that results from  
21 analyzing the raw sequence data, and

22 c. self-reported health information that consumer submits  
23 to a company regarding the consumer's health  
24 conditions and that is used for scientific research or

1 product development and analyzed in connection with  
2 the consumer's raw sequence data;

3 11. "Identifier" means data elements or other information that  
4 alone or in conjunction with other information can be used to  
5 identify a particular consumer, household or device that is linked  
6 to a particular consumer or household;

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

13 13. "Person" means an individual, sole proprietorship, firm,  
14 partnership, joint venture, syndicate, business trust, company,  
15 corporation, limited liability company, association, committee and  
16 any other organization or group of persons acting in concert;

17 14. "Personal information" means information that identifies,  
18 relates to, describes, can be associated with or can reasonably be  
19 linked to, directly or indirectly, a particular consumer or  
20 household. The term includes the following categories of  
21 information if the information identifies, relates to, describes,  
22 can be associated with or can reasonably be linked to, directly or  
23 indirectly, a particular consumer or household:  
24



- 1 a. an identifier, including a real name, alias, mailing  
2 address, account name, date of birth, driver license  
3 number, unique identifier, Social Security number,  
4 passport number, signature, telephone number or other  
5 government-issued identification number, or other  
6 similar identifier,
- 7 b. an online identifier, including an electronic mail  
8 address or Internet Protocol address, or other similar  
9 identifier,
- 10 c. a physical characteristic or description, including a  
11 characteristic of a protected classification under  
12 state or federal law,
- 13 d. commercial information, including:
- 14 (1) a record of personal property,  
15 (2) a good or service purchased, obtained or  
16 considered,  
17 (3) an insurance policy number, or  
18 (4) other purchasing or consuming histories or  
19 tendencies,
- 20 e. biometric information and genetic information,
- 21 f. Internet or other electronic network activity  
22 information, including:
- 23 (1) browsing or search history, and  
24

1 (2) other information regarding a consumer's  
2 interaction with an Internet website, application  
3 or advertisement,

4 g. geolocation data,

5 h. audio, electronic, visual, thermal, olfactory or other  
6 similar information,

7 i. professional or employment-related information,

8 j. education information that is not publicly available  
9 that includes personally identifiable information  
10 under the federal Family Educational Rights and  
11 Privacy Act of 1974,

12 k. financial information, including a financial  
13 institution account number, credit or debit card  
14 number, or password or access code associated with a  
15 credit or debit card or bank account,

16 l. medical information,

17 m. health insurance information, or

18 n. inferences drawn from any of the information listed  
19 under this paragraph to create a profile about a  
20 consumer that reflects the consumer's preferences,  
21 characteristics, psychological trends,  
22 predispositions, behavior, attitudes, intelligence,  
23 abilities or aptitudes;

24

1 15. "Processing information" means performing any operation or  
2 set of operations on personal data or on sets of personal data,  
3 whether or not by automated means;

4 16. "Pseudonymize" or "pseudonymization" means the processing  
5 of personal information in a manner that renders the personal  
6 information no longer attributable to a specific consumer without  
7 the use of additional information, provided that the additional  
8 information is kept separately and is subject to technical and  
9 organizational measures to ensure that the personal information is  
10 not attributed to an identified or identifiable consumer;

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

20 18. "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 19. "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 20. "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 21. "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 22. "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 Fifteen Million Dollars (\$15,000,000.00),  
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 this subsection;

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

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

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

7 a. is de-identified in accordance with the requirements  
8 for de-identification set forth in Section 164.514 of  
9 Part 164 of Title 45 of the Code of Federal  
10 Regulations, and

11 b. is derived from patient information that was  
12 originally collected, created, transmitted or  
13 maintained by an entity regulated by the Health  
14 Insurance Portability and Accountability Act of 1996  
15 or the Federal Policy for the Protection of Human  
16 Subjects, also known as the Common Rule.

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

23 6. Information that is collected, used or disclosed in  
24 research, as defined in Section 164.501 of Title 45 of the Code of

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

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

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

15 8. Personal information collected, processed, sold or disclosed  
16 in accordance with:

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

21 9. De-identified or aggregate consumer information; or

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

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

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

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

17        2. Public health activities or purposes as described in Section  
18 164.512 of Title 45 of the Code of Federal Regulations;

19        3. Research, as defined in Section 164.501 of Title 45 of the  
20 Code of Federal Regulations, that is conducted in accordance with  
21 Part 46 of Title 45 of the Code of Federal Regulations and the  
22 Federal Policy for the Protection of Human Subjects, also known as  
23 the Common Rule;

24

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

9 5. If otherwise required by law.

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

16 D. Beginning January 1, 2024, any contract for the sale or  
17 license of de-identified information that has met the requirements  
18 of paragraphs 2 through 6 of subsection A of this section, where one  
19 of the parties is a person residing or doing business in the state,  
20 shall include the following, or substantially similar, provisions:

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

23 2. A statement that re-identification, and attempted re-  
24 identification, of the de-identified information by the purchaser or

1 licensee of the information is prohibited pursuant to this section;  
2 and

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

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

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

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

18 2. No part of the sale of the information occurs in this state;  
19 and

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

22 G. For purposes of subsection F of this section, the collection  
23 or sale of a consumer's personal information does not occur wholly  
24 outside of this state if a business stores a consumer's personal

1 information, including on a device, when the consumer is in this  
2 state and subsequently collects or sells that stored information  
3 when the consumer and the information are outside of this state.

4 H. For purposes of this section, all of the following shall  
5 apply:

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

8 2. "Covered entity" has the same meaning as defined in Section  
9 160.103 of Title 45 of the Code of Federal Regulations;

10 3. "Identifiable private information" has the same meaning as  
11 defined in Section 46.102 of Title 45 of the Code of Federal  
12 Regulations;

13 4. "Individually identifiable health information" has the same  
14 meaning as defined in Section 160.103 of Title 45 of the Code of  
15 Federal Regulations;

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

21 6. "Patient information" means identifiable private  
22 information, protected health information, individually identifiable  
23 health information, or medical information;

24



1       7. "Protected health information" has the same meaning as  
2 defined in Section 160.103 of Title 45 of the Code of Federal  
3 Regulations; and

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

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

9       A right or obligation under this act does not apply to the  
10 extent that the exercise of the right or performance of the  
11 obligation infringes on a noncommercial activity of:

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

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

17       3. A nonprofit that provides programing to radio or television  
18 networks; or

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

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

24       This act does not:

1 1. Restrict a business's ability to:

2 a. comply with:

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

4 (2) a civil, criminal or regulatory inquiry,

5 investigation, subpoena or summons by a federal,

6 state or local authority,

7 b. cooperate with a law enforcement agency concerning

8 conduct or activity that the business, a service

9 provider of the business or a third party reasonably

10 and in good faith believes may violate other

11 applicable federal, state or local laws,

12 c. pursue or defend against a legal claim,

13 d. detect a security incident; protect against malicious,

14 deceptive, fraudulent or illegal activity; or

15 prosecute those responsible for any illegal activity

16 described by this paragraph, or

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

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

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

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

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

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

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

19       This act preempts and supersedes any ordinance, order or rule  
20 adopted by a political subdivision of this state relating to the  
21 collection or sale by a business of a consumer's personal  
22 information.

23  
24

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

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

13           1. Be compatible with the business purpose for which the  
14 personal information was collected;

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

20           3. Be made subject to technical safeguards that prohibit re-  
21 identification of the consumer to whom the information may pertain;

22           4. Be subject to business processes that specifically prohibit  
23 re-identification of the information;

24

1 5. Be made subject to business processes to prevent inadvertent  
2 release of de-identified information;

3 6. Be protected from any re-identification attempts;

4 7. Be used solely for research purposes that are compatible  
5 with the context in which the personal information was collected;

6 8. Not be used for any commercial purpose; and

7 9. Be subjected by the business conducting the research to  
8 additional security controls that limit access to the research data  
9 to only those individuals in a business as are necessary to carry  
10 out the research purpose.

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

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

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

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

1           1. Each enumerated category and item within each category of  
2 personal information under paragraph 14 of Section 2 of this act  
3 that the business collected about the consumer during the twelve  
4 (12) months preceding the date of the request;

5           2. Each category of sources from which the information was  
6 collected;

7           3. The business or commercial purpose for collecting or selling  
8 the personal information; and

9           4. Each category of third parties with whom the business shares  
10 the personal information.

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

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

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

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

21           A. A consumer is entitled to request that a business that  
22 collects the consumer's personal information delete any personal  
23 information the business has collected from the consumer by  
24

1 submitting a verifiable consumer request using a method designated  
2 by the business under Section 18 of this act.

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

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

14 1. Complete the transaction for which the information was  
15 collected;

16 2. Provide a good or service requested by the consumer in the  
17 context of the ongoing business relationship between the business  
18 and consumer;

19 3. Perform under a contract between the business and the  
20 consumer;

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

24

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

3       6. Exercise free speech or ensure the right of another consumer  
4 to exercise the right of free speech or another right afforded by  
5 law;

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

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

11           a. the business's deletion of the information is likely  
12 to render impossible or seriously impair the  
13 achievement of that research, and

14           b. the consumer has previously provided to the business  
15 informed consent to retain the information for such  
16 use.

17       D. Where a business, service provider or third party has made a  
18 consumer's personal information public, said business, service  
19 provider or third party shall:

20           1. Take all reasonable steps, including technical measures, to  
21 erase the personal information that the business, service provider  
22 or third party made public, taking into account available technology  
23 and the cost of implementation; and

24



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

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

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

11        1. The categories of personal information the business  
12 collected about the consumer;

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

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

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

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

24

1           1. Each enumerated category of personal information under  
2 paragraph 14 of Section 2 of this act that the business collected  
3 about the consumer during the twelve (12) months preceding the date  
4 of the request;

5           2. The categories of third parties to whom the business sold  
6 the consumer's personal information during the twelve (12) months  
7 preceding the date of the request by reference to each enumerated  
8 category of information under paragraph 14 of Section 2 of this act  
9 sold to each third party; and

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

15          D. A business shall provide the information described by  
16 paragraphs 2 and 3 of subsection C of this section in two separate  
17 lists.

18          E. A business that did not sell, or disclose for a business  
19 purpose, the consumer's personal information during the twelve (12)  
20 months preceding the date of receiving the consumer's verifiable  
21 consumer request under this section shall disclose that fact to the  
22 consumer.

23  
24

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

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

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

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

- 17 1. Notice to consumers that:
- 18 a. the information may be sold,
  - 19 b. identifies the categories of persons to whom the  
20 information will or could be sold, and
  - 21 c. consumers have the right to opt in to the sale via  
22 consent; and
- 23  
24

1        2. A clear and conspicuous link that enables a consumer, or  
2 person authorized by the consumer, to consent 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 consent 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, consent to the sale  
15 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 consented to  
2 opt in or out 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 consent 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 to opt in to  
21 collection, which may be provided electronically by the consumer, to  
22 collect a consumer's 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  
13 collector uses 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 14 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 webpage 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.

23  
24

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.

23  
24

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 one (1) year after  
16 enactment.

17  
18  
19  
20  
21  
22  
23  
24

1 Passed the House of Representatives the 8th day of March, 2023.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate