

HOUSE BILL 630

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, relative to consumer data.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-3304, is amended by adding the following new subsection:

(d)

(1) A consumer may designate another person to serve as the consumer's authorized agent and act on the consumer's behalf to opt out of the processing of the consumer's personal data under subdivisions (a)(2)(E)(i)-(iii). The consumer may designate an authorized agent using a technology, including a link to an internet website, an internet browser setting or extension, or a global setting on an electronic device, that allows the consumer to indicate the consumer's intent to opt out of such processing.

(2) A controller shall comply with an opt-out request received from an authorized agent under this subsection (d) if the controller is able to verify, with commercially reasonable effort, the identity of the consumer and the authorized agent's authority to act on the consumer's behalf.

(3) Opt-out methods must:

(A) Provide a clear and conspicuous link on the controller's internet website to an internet web page that enables a consumer, or a consumer's authorized agent, to opt out of the targeted advertising or sale of the consumer's personal data; and

(B) On or before January 1, 2026, allow a consumer to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of such personal data through an opt-out preference signal sent with the consumer's consent, to the controller by a platform, technology, or mechanism that:

(i) Must not unfairly disadvantage another controller;

(ii) Must not make use of a default setting, but must require the consumer to make an affirmative, freely given, and unambiguous choice to indicate the consumer's intent to opt out of any processing of a consumer's personal data;

(iii) Must be consumer-friendly and easy to use by the average consumer;

(iv) Must be consistent with any federal or state law or rule; and

(v) Must allow the controller to accurately determine whether the consumer is a resident of this state and whether the consumer has made a legitimate request to opt out of any sale of a consumer's personal data or targeted advertising.

(4)

(A) If a consumer's decision to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of personal data, through an opt-out preference signal sent in accordance with subdivision (d)(3) conflicts with the consumer's existing controller-specific privacy setting or voluntary participation in a controller's bona fide loyalty, rewards, premium features, discounts, or club card

program, then the controller shall comply with the consumer's opt-out preference signal but may notify the consumer of the conflict and provide the choice to confirm controller-specific privacy settings or participation in such a program.

(B) If a controller responds to consumer opt-out requests received in accordance with subdivision (d)(3) by informing the consumer of a charge for the use of any product or service, then the controller shall present the terms of any financial incentive offered pursuant to subdivision (d)(3) for the retention, use, sale, or sharing of the consumer's personal data.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.