

1 ENGROSSED HOUSE  
2 BILL NO. 2969

By: Walke, West (Josh), Sims,  
and McDugle of the House

3 and

4 Merrick of the Senate  
5  
6  
7

8 An Act relating to privacy of computer data; enacting  
9 the Oklahoma Computer Data Privacy Act; defining  
10 terms; providing for applicability of act to certain  
11 businesses that collect consumers' personal  
12 information; providing exemptions; prescribing  
13 compliance with other laws and legal proceedings;  
14 requiring act to be liberally construed to align its  
15 effects with other laws relating to privacy and  
16 protection of personal information; providing for  
17 controlling effect of federal law; providing for  
18 construction in event of conflict with state law;  
19 providing for controlling effect of law which  
20 provides greatest privacy or protection to consumers;  
21 providing for preemption of local law; providing  
22 consumers right to request disclosure of certain  
23 information; providing consumers right to request  
24 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 businesses  
receiving verifiable consumer requests reasonably

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

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

24 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:

As used in this act:

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

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

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

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

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 data, 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. "Genetic Information" means any information, regardless of  
13 its format, that concerns a consumer's genetic characteristics.  
14 Genetic information includes, but is not limited to:

- 15 a. raw sequence data that result from sequencing of a  
16 consumer's complete extracted or a portion of the  
17 extracted DNA,
- 18 b. genotypic and phenotypic information that results from  
19 analyzing the raw sequence data, and
- 20 c. self-reported health information that consumer submits  
21 to a company regarding the consumer's health  
22 conditions and that is used for scientific research or  
23 product development and analyzed in connection with  
24 the consumer's raw sequence data;

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

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

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

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

22 a. an identifier, including a real name, alias, mailing  
23 address, account name, date of birth, driver license  
24 number, unique identifier, Social Security number,



1 passport number, signature, telephone number or other  
2 government-issued identification number, or other  
3 similar identifier,

4 b. an online identifier, including an electronic mail  
5 address or Internet Protocol address, or other similar  
6 identifier,

7 c. a physical characteristic or description, including a  
8 characteristic of a protected classification under  
9 state or federal law,

10 d. commercial information, including:

11 (1) a record of personal property,

12 (2) a good or service purchased, obtained or  
13 considered,

14 (3) an insurance policy number, or

15 (4) other purchasing or consuming histories or  
16 tendencies,

17 e. biometric information and genetic information,

18 f. Internet or other electronic network activity  
19 information, including:

20 (1) browsing or search history, and

21 (2) other information regarding a consumer's  
22 interaction with an Internet website, application  
23 or advertisement,

24 g. geolocation data,

- 1           h.    audio, electronic, visual, thermal, olfactory or other
- 2                 similar information,
- 3           i.    professional or employment-related information,
- 4           j.    education information that is not publicly available
- 5                 personally identifiable information under the federal
- 6                 Family Educational Rights and Privacy Act of 1974,
- 7           k.    financial information, including a financial
- 8                 institution account number, credit or debit card
- 9                 number, or password or access code associated with a
- 10                credit or debit card or bank account,
- 11           l.    medical information,
- 12           m.    health insurance information, or
- 13           n.    inferences drawn from any of the information listed
- 14                 under this paragraph to create a profile about a
- 15                 consumer that reflects the consumer's preferences,
- 16                 characteristics, psychological trends,
- 17                 predispositions, behavior, attitudes, intelligence,
- 18                 abilities or aptitudes;

19           15. "Processing information" means performing any operation or  
20 set of operations on personal data or on sets of personal data,  
21 whether or not by automated means;

22           16. "Pseudonymize" or "pseudonymization" means the processing  
23 of personal information in a manner that renders the personal  
24 information no longer attributable to a specific consumer without

1 the use of additional information, provided that the additional  
2 information is kept separately and is subject to technical and  
3 organizational measures to ensure that the personal information is  
4 not attributed to an identified or identifiable consumer;

5 17. "Publicly available information" means information that is  
6 lawfully made available to the public from federal, state or local  
7 government records or information received from widely distributed  
8 media or by the consumer in the public domain. The term does not  
9 include:

- 10 a. biometric information or genetic information of a  
11 consumer collected by a business without the  
12 consumer's knowledge or consent, or
- 13 b. de-identified or aggregate consumer information;

14 18. "Service provider" means a for-profit entity as described  
15 by paragraph 3 of this section that processes information on behalf  
16 of a business and to which the business discloses, for a business  
17 purpose, a consumer's personal information under a written contract,  
18 provided that the contract prohibits the entity receiving the  
19 information from retaining, using or disclosing the information for  
20 any purpose other than:

- 21 a. providing the services specified in the contract with  
22 the business, or

23  
24

1           b.    for a purpose permitted by this act, including for a  
2                commercial purpose other than providing those  
3                specified services;

4    19.   "Third party" means a person who is not:

5           a.    a business to which this act applies that collects  
6                personal information from consumers, or

7           b.    a person to whom the business discloses, for a  
8                business purpose, a consumer's personal information  
9                under a written contract, provided that the contract:

10           (1)  prohibits the person receiving the information  
11                from:

12                (a)  selling the information,

13                (b)  retaining, using or disclosing the  
14                information for any purpose other than  
15                providing the services specified in the  
16                contract, including for a commercial purpose  
17                other than providing those services, and

18                (c)  retaining, using or disclosing the  
19                information outside of the direct business  
20                relationship between the person and the  
21                business, and

22           (2)  includes a certification made by the person  
23                receiving the personal information that the  
24                person understands and will comply with the

1 prohibitions under division (1) of this  
2 subparagraph;

3 20. "Unique identifier" means a persistent identifier that can  
4 be used over time and across different services to recognize a  
5 consumer, a custodial parent or guardian, or any minor children over  
6 which the parent or guardian has custody, or a device that is linked  
7 to those individuals. The term includes:

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

17 21. "Verifiable consumer request" means a request:

- 18 a. that is made by a consumer, a consumer on behalf of  
19 the consumer's minor child, or a natural person or  
20 person who is authorized by a consumer to act on the  
21 consumer's behalf, and
- 22 b. that a business can reasonably verify, in accordance  
23 with Section 19 of this act, was submitted by the  
24

1 consumer about whom the business has collected  
2 personal information; and

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

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

11 A. This act applies only to:

12 1. A business that:

- 13 a. does business in this state,
- 14 b. collects consumers' personal information or has that  
15 information collected on the business's behalf,
- 16 c. alone or in conjunction with others, determines the  
17 purpose for and means of processing consumers'  
18 personal information, and
- 19 d. satisfies one or more of the following thresholds:
  - 20 (1) has annual gross revenue in an amount that  
21 exceeds Fifteen Million Dollars (\$15,000,000.00),
  - 22 (2) alone or in combination with others, annually  
23 buys, sells or receives or shares for commercial  
24 purposes the personal information of fifty

1                   thousand or more consumers, households or  
2                   devices, or

3                   (3) derives twenty-five percent (25%) or more of the  
4                   business's annual revenue from selling consumers'  
5                   personal information; and

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

11           a. ownership of, or power to vote, more than fifty  
12           percent (50%) of the outstanding shares of any class  
13           of voting security of a business,

14           b. control in any manner over the election of a majority  
15           of the directors or of individuals exercising similar  
16           functions, or

17           c. power to exercise a controlling influence over the  
18           management of a company.

19           B. For purposes of this act, a business sells a consumer's  
20 personal information to another business or a third party if the  
21 business sells, rents, discloses, disseminates, makes available,  
22 transfers or otherwise communicates, orally, in writing, or by  
23 electronic or other means, the information to the other business or  
24 third party for monetary or other valuable consideration.

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

3 1. The consumer directs the business to intentionally disclose  
4 the information or uses the business to intentionally interact with  
5 a third party, provided that the third party does not sell the  
6 information, unless that disclosure is consistent with this act; or

7 2. The business:

8 a. uses or shares an identifier of the consumer to alert  
9 a third party that the consumer has opted out of the  
10 sale of the information,

11 b. uses or shares with a service provider a consumer's  
12 personal information that is necessary to perform a  
13 business purpose if:

14 (1) the business provided notice that the information  
15 is being used or shared in the business's terms  
16 and conditions consistent with Sections 13 and 17  
17 of this act, and

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

21 c. transfers to a third party a consumer's personal  
22 information as an asset that is part of a merger,  
23 acquisition, bankruptcy or other transaction in which  
24 the third party assumes control of all or part of the



1 business, provided that information is used or shared  
2 consistent with this act.

3 D. For purposes of paragraph 1 of subsection C of this section,  
4 an intentional interaction occurs if the consumer does one or more  
5 deliberate acts with the intent to interact with a third party.  
6 Placing a cursor over, muting, pausing or closing online content  
7 does not constitute a consumer's intent to interact with a third  
8 party. Instead, said deliberate act must be consent to such  
9 interaction as defined herein.

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

13 A. This act does not apply to:

- 14 1. Publicly available information;
- 15 2. Medical information governed by state privacy health laws or  
16 protected health information that is collected by a covered entity  
17 or business associate governed by the privacy, security and data  
18 breach notification rules issued by the United States Department of  
19 Health and Human Services, Parts 160 and 164 of Title 45 of the Code  
20 of Federal Regulations, established pursuant to the federal Health  
21 Insurance Portability and Accountability Act of 1996 (Public Law  
22 104-191) and the federal Health Information Technology for Economic  
23 and Clinical Health Act, Title XIII of the federal American Recovery  
24 and Reinvestment Act of 2009 (Public Law 111-5);

1           3. A provider of health care, or a health plan, governed by  
2 state privacy health laws or a covered entity governed by the  
3 privacy, security and data breach notification rules issued by the  
4 United States Department of Health and Human Services, Parts 160 and  
5 164 of Title 45 of the Code of Federal Regulations, established  
6 pursuant to the federal Health Insurance Portability and  
7 Accountability Act of 1996 (Public Law 104-191), to the extent the  
8 provider or covered entity maintains, uses and discloses patient  
9 information in the same manner as medical information or protected  
10 health information as described in paragraph 2 of this subsection;

11           4. A business associate of a covered entity governed by the  
12 privacy, security and data breach notification rules issued by the  
13 United States Department of Health and Human Services, Parts 160 and  
14 164 of Title 45 of the Code of Federal Regulations, established  
15 pursuant to the federal Health Insurance Portability and  
16 Accountability Act of 1996 (Public Law 104-191) and the federal  
17 Health Information Technology for Economic and Clinical Health Act,  
18 Title XIII of the federal American Recovery and Reinvestment Act of  
19 2009 (Public Law 111-5), to the extent that the business associate  
20 maintains, uses and discloses patient information in the same manner  
21 as medical information or protected health information as described  
22 in paragraph 2 of this subsection;

23           5. Information that meets both of the following conditions:  
24

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

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

17           6.    Information that is collected, used or disclosed in  
18 research, as defined in Section 164.501 of Title 45 of the Code of  
19 Federal Regulations, including, but not limited to, a clinical  
20 trial, and that is conducted in accordance with applicable ethics,  
21 confidentiality, privacy and security rules of Part 164 of Title 45  
22 of the Code of Federal Regulations, the Federal Policy for the  
23 Protection of Human Subjects, also known as the Common Rule, good  
24 clinical practice guidelines issued by the International Council for

1 Harmonization, or human subject protection requirements of the  
2 United States Food and Drug Administration;

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

5 a. reported in or used to generate a consumer report, as  
6 defined by Section 1681a(d) of the Fair Credit  
7 Reporting Act (15 U.S.C., Section 1681 et seq.), and

8 b. used solely for a purpose authorized under that act;

9 8. Personal information collected, processed, sold or disclosed  
10 in accordance with:

11 a. the federal Gramm-Leach-Bliley Act of 1999 (Public Law  
12 106-102) and its implementing regulations, or

13 b. the federal Driver's Privacy Protection Act of 1994  
14 (18 U.S.C., Section 2721 et seq.);

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

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

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

23 B. For the purposes of this section, a business or other person  
24 shall not re-identify, or attempt to re-identify, information that

1 has met the requirements of paragraphs 2 through 6 of subsection A  
2 of this section, except for one or more of the following purposes:

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

11 2. Public health activities or purposes as described in Section  
12 164.512 of Title 45 of the Code of Federal Regulations;

13 3. Research, as defined in Section 164.501 of Title 45 of the  
14 Code of Federal Regulations, that is conducted in accordance with  
15 Part 46 of Title 45 of the Code of Federal Regulations and the  
16 Federal Policy for the Protection of Human Subjects, also known as  
17 the Common Rule;

18 4. Pursuant to a contract where the lawful holder of the de-  
19 identified information expressly engages a person or entity to  
20 attempt to re-identify the de-identified information in order to  
21 conduct testing, analysis, or validation of de-identification, or  
22 related statistical techniques, if the contract bans any other use  
23 or disclosure of the re-identified information and requires the  
24

1 return or destruction of the information that was re-identified upon  
2 completion of the contract; and

3 5. If otherwise required by law.

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

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

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

17 2. A statement that re-identification, and attempted re-  
18 identification, of the de-identified information by the purchaser or  
19 licensee of the information is prohibited pursuant to this section;  
20 and

21 3. A requirement that, unless otherwise required by law, the  
22 purchaser or licensee of the de-identified information may not  
23 further disclose the de-identified information to any third party  
24

1 unless the third party is contractually bound by the same or  
2 stricter restrictions and conditions.

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

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

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

13 2. No part of the sale of the information occurs in this state;  
14 and

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

17 G. For purposes of subsection F of this section, the collection  
18 or sale of a consumer's personal information does not occur wholly  
19 outside of this state if a business stores a consumer's personal  
20 information, including on a device, when the consumer is in this  
21 state and subsequently collects or sells that stored information  
22 when the consumer and the information are outside of this state.

23 H. For purposes of this section, all of the following shall  
24 apply:

- 1        1. "Business associate" has the same meaning as defined in  
2 Section 160.103 of Title 45 of the Code of Federal Regulations;
- 3        2. "Covered entity" has the same meaning as defined in Section  
4 160.103 of Title 45 of the Code of Federal Regulations;
- 5        3. "Identifiable private information" has the same meaning as  
6 defined in Section 46.102 of Title 45 of the Code of Federal  
7 Regulations;
- 8        4. "Individually identifiable health information" has the same  
9 meaning as defined in Section 160.103 of Title 45 of the Code of  
10 Federal Regulations;
- 11       5. "Medical information" means any individually identifiable  
12 information, in electronic or physical form, in possession of or  
13 derived from a provider of health care, health care service plan,  
14 pharmaceutical company, or contractor regarding a patient's medical  
15 history, mental or physical condition, or treatment;
- 16       6. "Patient information" means identifiable private  
17 information, protected health information, individually identifiable  
18 health information, or medical information;
- 19       7. "Protected health information" has the same meaning as  
20 defined in Section 160.103 of Title 45 of the Code of Federal  
21 Regulations; and
- 22       8. "Provider of health care" means a person or entity that is a  
23 covered entity.

24



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

4 A right or obligation under this act does not apply to the  
5 extent that the exercise of the right or performance of the  
6 obligation infringes on a noncommercial activity of:

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

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

12 3. A nonprofit that provides programing to radio or television  
13 networks; or

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

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

19 This act does not:

20 1. Restrict a business's ability to:

21 a. comply with:

22 (1) applicable federal, state or local laws, or  
23  
24

1 (2) a civil, criminal or regulatory inquiry,  
2 investigation, subpoena or summons by a federal,  
3 state or local authority,

4 b. cooperate with a law enforcement agency concerning  
5 conduct or activity that the business, a service  
6 provider of the business or a third party reasonably  
7 and in good faith believes may violate other  
8 applicable federal, state or local laws,

9 c. pursue or defend against a legal claim,

10 d. detect a security incident; protect against malicious,  
11 deceptive, fraudulent or illegal activity; or  
12 prosecute those responsible for any illegal activity  
13 described by this paragraph, or

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

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

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

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

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

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

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

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

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

23 Except as used in Section 4 of this act, for purposes of this  
24 act, "research" means scientific, systematic study and observation,

1 including basic research or applied research that is in the public  
2 interest and that adheres to all other applicable ethics and privacy  
3 laws or studies conducted in the public interest in the area of  
4 public health. Research with personal information that may have  
5 been collected from a consumer in the course of the consumer's  
6 interactions with a business's service or device for other purposes  
7 must:

8 1. Be compatible with the business purpose for which the  
9 personal information was collected;

10 2. Be subsequently pseudonymized and de-identified, or de-  
11 identified and in the aggregate, such that the information cannot  
12 reasonably identify, relate to, describe, be capable of being  
13 associated with, or be linked, directly or indirectly, to a  
14 particular consumer;

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

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

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

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

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

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

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

5           SECTION 10.           NEW LAW           A new section of law to be codified  
6 in the Oklahoma Statutes as Section 901.10 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 collects the consumer's personal information disclose to the  
10 consumer the categories and specific items of personal information  
11 the business has collected.

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

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

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

23           2. Each category of sources from which the information was  
24 collected;

1 3. The business or commercial purpose for collecting or selling  
2 the personal information; and

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

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

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

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

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

15 A. A consumer is entitled to request that a business that  
16 collects the consumer's personal information delete any personal  
17 information the business has collected from the consumer by  
18 submitting a verifiable consumer request using a method designated  
19 by the business under Section 18 of this act.

20 B. Except as provided by subsection C of this section, on  
21 receipt of a verifiable consumer request under this section, a  
22 business shall delete from the business's records any personal  
23 information collected from the consumer and direct a service  
24 provider of the business to delete the information from the

1 provider's records in the time provided for in Section 20 of this  
2 act.

3 C. A business or service provider of the business is not  
4 required to comply with a verifiable consumer request received under  
5 this section if the business or service provider needs to retain the  
6 consumer's personal information to:

7 1. Complete the transaction for which the information was  
8 collected;

9 2. Provide a good or service requested by the consumer in the  
10 context of the ongoing business relationship between the business  
11 and consumer;

12 3. Perform under a contract between the business and the  
13 consumer;

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

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

19 6. Exercise free speech or ensure the right of another consumer  
20 to exercise the right of free speech or another right afforded by  
21 law;

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

24

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

4 a. the business's deletion of the information is likely  
5 to render impossible or seriously impair the  
6 achievement of that research, and

7 b. the consumer has previously provided to the business  
8 informed consent to retain the information for such  
9 use.

10 D. Where a business, service provider or third party has made a  
11 consumer's personal information public, said business, service  
12 provider or third party shall:

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

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

21 SECTION 12. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 901.12 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 sells, or discloses for a business purpose, the consumer's personal  
3 information disclose to the consumer:

4       1. The categories of personal information the business  
5 collected about the consumer;

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

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

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

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

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

21       2. The categories of third parties to whom the business sold  
22 the consumer's personal information during the twelve (12) months  
23 preceding the date of the request by reference to each enumerated  
24

1 category of information under paragraph 14 of Section 2 of this act  
2 sold to each third party; and

3 3. The categories of third parties to whom the business  
4 disclosed for a business purpose the consumer's personal information  
5 during the twelve (12) months preceding the date of the request by  
6 reference to each enumerated category of information under paragraph  
7 14 of Section 2 of this act disclosed to each third party.

8 D. A business shall provide the information described by  
9 paragraphs 2 and 3 of subsection C of this section in two separate  
10 lists.

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

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

19 A. A consumer is entitled at any time to opt out of the sale of  
20 the consumer's personal information by a business to third parties  
21 by directing the business not to sell the information. A consumer  
22 may authorize another person solely to opt out of the sale of the  
23 consumer's personal information on the consumer's behalf. A

24

1 business shall comply with a direction not to sell that is received  
2 under this subsection.

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

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

9 1. Notice to consumers that:

10 a. the information may be sold,

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

13 c. consumers have the right to opt in to the sale via  
14 consent; and

15 2. A clear and conspicuous link that enables a consumer, or  
16 person authorized by the consumer, to consent to the sale of the  
17 consumer's personal information.

18 D. A business may not sell to a third party the personal  
19 information of a consumer who does not consent to the sale of that  
20 information after the effective date of this act or after a consumer  
21 submits a verifiable request to opt out of any future sale.

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

1 F. A third party to whom a business has sold the personal  
2 information of a consumer may not sell the information unless the  
3 consumer receives explicit notice of the potential sale and is  
4 provided the opportunity to, and in fact does, consent to the sale  
5 as provided by this section.

6 G. A business may not require a consumer to create an account  
7 with the business to opt in to the sale of the consumer's personal  
8 information.

9 H. A business or service provider shall implement and maintain  
10 reasonable security procedures and practices, including  
11 administrative, physical and technical safeguards appropriate to the  
12 nature of the information and the purposes for which the personal  
13 information will be used, to protect consumers' personal information  
14 from unauthorized use, disclosure, access, destruction or  
15 modification, irrespective of whether a customer has consented to  
16 opt in or out of a sale of data.

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

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

23 B. The Legislature of the State of Oklahoma further finds that  
24 individuals within Oklahoma have previously been exploited for

1 monetary gain and manipulation by private ventures in utilization of  
2 private data.

3 C. The Legislature of the State of Oklahoma further finds that  
4 the protection of individuals within Oklahoma and their data is a  
5 core governmental function in order to protect the health, safety  
6 and welfare of individuals within Oklahoma.

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

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

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

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

20 1. Declining to request information from a business;

21 2. Declining to consent to a business's sale of the consumer's  
22 personal information; or

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

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

4 A. After the effective date of this act, a business shall not  
5 collect a consumer's personal information directly from the consumer  
6 prior to notifying the consumer of each category of personal  
7 information to be collected and for what purposes information will  
8 be used, as well as obtaining the consumer's consent to opt in to  
9 collection, which may be provided electronically by the consumer, to  
10 collect a consumer's personal information.

11 B. A business may not collect an additional category of  
12 personal information directly from the consumer or use personal  
13 information collected for an additional purpose unless the business  
14 provides notice to the consumer of the additional category or  
15 purpose in accordance with subsection A of this section.

16 C. If a third party that assumes control of all or part of a  
17 business as described by subparagraph c of paragraph 2 of subsection  
18 C of Section 3 of this act materially alters the practices of the  
19 business in how personal information is used or shared, and the  
20 practices are materially inconsistent with a notice provided to a  
21 consumer under subsection A or B of this section, the third party  
22 must notify the consumer of the third party's new or changed  
23 practices in a conspicuous manner that allows the consumer to easily  
24

1 exercise a right provided under this act before the third-party  
2 collector uses or shares the personal information.

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

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

10 A. A business that collects, sells or for a business purpose  
11 discloses a consumer's personal information shall disclose the  
12 following information in the business's online privacy policy or  
13 other notice of the business's policies:

14 1. A description of a consumer's rights under Sections 10, 11,  
15 12, 13 and 16 of this act and designated methods for submitting a  
16 verifiable consumer request under this act;

17 2. For a business that collects personal information about  
18 consumers, a description of the consumer's right to request the  
19 deletion of the consumer's personal information;

20 3. Separate lists containing the categories of consumers'  
21 personal information described by paragraph 14 of Section 2 of this  
22 act that, during the twelve (12) months preceding the date the  
23 business updated the information as required by subsection C of this  
24 section, the business:

- 1 a. collected,
- 2 b. sold, if applicable, or
- 3 c. disclosed for a business purpose, if applicable;

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

6 5. The business or commercial purposes for collecting personal  
7 information;

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

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

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

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

18 B. If a business described by subsection A of this section does  
19 not have an online privacy policy or other notice of the business's  
20 policies, the business shall make the information required under  
21 subsection A of this section available to consumers on the  
22 business's Internet website or another website the business  
23 maintains that is dedicated to consumers in this state.



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

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

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

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

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

15 B. The methods designated under subsection A of this section  
16 may also include:

- 17 1. A mailing address;
- 18 2. An electronic mail address; or
- 19 3. Another Internet webpage or portal.

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

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

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

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

7 2. The request is made by:

8 a. the consumer,

9 b. a consumer on behalf of the consumer's minor child, or

10 c. a person authorized to act on the consumer's behalf.

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

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

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

19 A. Not later than forty-five (45) days after the date a  
20 business receives a verifiable consumer request under Section 10,  
21 11, 12 or 13 of this act, the business shall disclose free of charge  
22 to the consumer the information required to be disclosed under those  
23 sections or take the requested actions, as applicable.

1 B. A business may extend the time in which to comply with  
2 subsection A of this section once by an additional forty-five (45)  
3 days if reasonably necessary or by an additional ninety (90) days  
4 after taking into account the number and complexity of verifiable  
5 consumer requests received by the business. A business that extends  
6 the time in which to comply with subsection A of this section shall  
7 notify the consumer of the extension and reason for the delay within  
8 the period prescribed by that subsection.

9 C. The disclosure required by subsection A of this section  
10 must:

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

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

15 a. by mail or electronically, at the consumer's option,  
16 if the consumer does not have an account with the  
17 business, or

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

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

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

1 F. Notwithstanding subsection A of this section, if a  
2 consumer's verifiable consumer request is manifestly baseless or  
3 excessive, in particular because of repetitiveness, a business may  
4 charge a reasonable fee after taking into account the administrative  
5 costs of compliance or refusal to comply with the request. The  
6 business has the burden of demonstrating that a request is  
7 manifestly baseless or excessive.

8 G. A business that does not comply with a consumer's verifiable  
9 consumer request under subsection A of this section shall notify the  
10 consumer, within the time the business is required to respond to a  
11 request under this section, of the reasons for the refusal and the  
12 rights the consumer may have to appeal that decision.

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

16 A. A business that uses de-identified information may not re-  
17 identify or attempt to re-identify a consumer who is the subject of  
18 de-identified information without obtaining the consumer's consent  
19 or authorization.

20 B. A business that uses de-identified information shall  
21 implement:

22 1. Technical safeguards and business processes to prohibit re-  
23 identification of the consumer to whom the information may pertain;  
24 and

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

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

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

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

11        1. Denying a good or service to the consumer;

12        2. Charging the consumer a different price or rate for a good  
13 or service, including denying the use of a discount or other benefit  
14 or imposing a penalty;

15        3. Providing a different level or quality of a good or service  
16 to the consumer; or

17        4. Suggesting that the consumer will be charged a different  
18 price or rate for, or provided a different level or quality of, a  
19 good or service.

20        B. This section does not prohibit a business from offering or  
21 charging a consumer a different price or rate for a good or service,  
22 or offering or providing to the consumer a different level or  
23 quality of a good or service, if the difference is reasonably  
24

1 related to the value provided to the consumer by the consumer's  
2 data.

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

6 A. Subject to subsection B of this section, a business may  
7 offer a financial incentive to a consumer, including a payment as  
8 compensation, for the collection, sale or disclosure of the  
9 consumer's personal information.

10 B. A business may enroll a customer in a financial incentive  
11 program only if the business provides to the consumer a clear  
12 description of the material terms of the program and obtains the  
13 consumer's prior opt-in consent, which:

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

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

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

21 A. A business may not divide a single transaction into more  
22 than one transaction with the intent to avoid the requirements of  
23 this act.

24

1 B. For purposes of this act, two or more substantially similar  
2 or related transactions are considered a single transaction if the  
3 transactions:

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

6 C. A court shall disregard any intermediate transactions  
7 conducted by a business with the intent to avoid the requirements of  
8 this act, including the disclosure of information by a business to a  
9 third party to avoid complying with the requirements under this act  
10 applicable to a sale of the information.

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

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

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

22 A. A person who violates this act is liable to this state for  
23 injunctive relief and/or a civil penalty in an amount not to exceed:  
24

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

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

5 B. The Oklahoma Attorney General is entitled to recover  
6 reasonable expenses, including reasonable attorney fees, court costs  
7 and investigatory costs, incurred in obtaining injunctive relief or  
8 civil penalties, or both, under this section. Amounts collected  
9 under this section shall be deposited in a dedicated account in the  
10 General Revenue Fund and shall be appropriated only for the purposes  
11 of the administration and enforcement of this act.

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

15 A business that discloses to a third party, or discloses for a  
16 business purpose to a service provider, a consumer's personal  
17 information in compliance with this act may not be held liable for a  
18 violation of this act by the third party or service provider if the  
19 business does not have actual knowledge or a reasonable belief that  
20 the third party or service provider intends to violate this act.

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

24



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

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

4 Passed the House of Representatives the 23rd day of March, 2022.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2022.

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Presiding Officer of the Senate

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