

SENATE JUDICIARY COMMITTEE
Senator Hannah-Beth Jackson, Chair
2019-2020 Regular Session

AB 846 (Burke)
Version: May 20, 2019
Hearing Date: July 9, 2019
Fiscal: Yes
Urgency: No
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SUBJECT

Customer loyalty programs

DIGEST

This bill provides that the California Consumer Privacy Act (CCPA) does not prohibit a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering them for no fee, if either the offering is in connection with a loyalty or rewards program, or the offering is for a specific good or service whose functionality is directly related to the collection, use, or sale of the consumer's data.

EXECUTIVE SUMMARY

The CCPA prohibits a business from discriminating against a consumer based on the consumer's exercise of the rights afforded in the CCPA. The provision includes a non-exclusive list of conduct amounting to discrimination, including charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; or providing a different level or quality of goods or services to the consumer. However, it also states that it does not prohibit a business from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the consumer by the consumer's data.

Concerns have been raised that these non-discrimination provisions of the CCPA could be interpreted to undermine various customer loyalty and rewards programs that are popular with many consumers. This bill explicitly provides that the CCPA does not prohibit a business from offering a different price or quality of goods or services in connection with a consumer's participation in loyalty programs. Various industry groups support the bill. However, the bill also provides another basis for disparate offerings to consumers that is vague and much broader than in the loyalty program context, drawing opposition from consumer and privacy groups. It is also unclear whether consumers can opt out of the sale of the information collected as part of these

programs, and if so, whether they can be discriminated against for doing so. This bill is sponsored by the California Retailers Association.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the CCPA, which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)
- 2) Provides consumers the right to request that a business delete any personal information about the consumer which the business has collected from the consumer. (Civ. Code § 1798.105(a).)
- 3) Provides consumers the right to request that a business that sells the consumer's personal information, or that discloses it for a business purpose, disclose to the consumer the following:
 - a) the categories of personal information that the business collected about the consumer;
 - b) the categories of personal information that the business sold about the consumer and the categories of third parties to whom the personal information was sold, by category or categories of personal information for each third party to whom the personal information was sold; and
 - c) the categories of personal information that the business disclosed about the consumer for a business purpose. (Civ. Code § 1798.115.)
- 4) Provides a consumer the right, at any time, to direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. This right may be referred to as the right to opt out. (Civ. Code § 1798.120.)
- 5) Requires a business that sells consumers' personal information to third parties to provide notice to consumers, as specified, that this information may be sold and that consumers have the "right to opt-out" of the sale of their personal information. (Civ. Code § 1798.120.)
- 6) Prohibits a business from discriminating against a consumer because the consumer exercised any of the consumer's rights under the CCPA, including, but not limited to, by:

- a) denying goods or services to the consumer;
 - b) charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
 - c) providing a different level or quality of goods or services to the consumer;
or
 - d) suggesting that the consumer will receive a different price or rate for goods or services or a different level or quality of goods or services. (Civ. Code § 1798.125(a)(1).)
- 7) Provides that the above provision does not prohibit a business from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the consumer by the consumer's data. (Civ. Code § 1798.125(a)(2).)
- 8) Authorizes a business to offer financial incentives, including payments to consumers as compensation, for the collection of personal information, the sale of personal information, or the deletion of personal information. A business may also offer a different price, rate, level, or quality of goods or services to the consumer if that price or difference is directly related to the value provided to the consumer by the consumer's data. (Civ. Code § 1798.125(b)(1).)
- 9) Authorizes a business to enter a consumer into a financial incentive program only if the consumer gives the business prior opt-in consent which clearly describes the material terms of the financial incentive program, and which may be revoked by the consumer at any time. (Civ. Code § 1798.125(b)(3).)
- 10) Prohibits a business from using financial incentive practices that are unjust, unreasonable, coercive, or usurious in nature. (Civ. Code § 1798.125(b)(4).)
- 11) Defines "sell," "selling," "sale," or "sold," to mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration. (Civ. Code § 1798.140(t)(1).)
- 12) Provides that a business does not sell personal information when:
- a) A consumer uses or directs the business to intentionally disclose personal information or uses the business to intentionally interact with a third party, provided the third party does not also sell the personal information, unless that disclosure would be consistent with the provisions of this title. An intentional interaction occurs when the consumer intends to interact with the third party, via one or more deliberate interactions. Hovering

over, muting, pausing, or closing a given piece of content does not constitute a consumer's intent to interact with a third party;

- b) The business uses or shares an identifier for a consumer who has opted out of the sale of the consumer's personal information for the purposes of alerting third parties that the consumer has opted out of the sale of the consumer's personal information;
 - c) The business uses or shares with a service provider personal information of a consumer that is necessary to perform a business purpose if both of the following conditions are met:
 - i. The business has provided notice that information being used or shared in its terms and conditions consistent with Section 1798.135 of the Civil Code.
 - ii. The service provider does not further collect, sell, or use the personal information of the consumer except as necessary to perform the business purpose; or
 - d) The business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided that information is used or shared consistently with Sections 1798.110 and 1798.115 of the Civil Code. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to the consumer. The notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with Section 1798.120. This subparagraph does not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate the Unfair and Deceptive Practices Act (Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code). (Civ. Code § 1798.140(t)(2).)
- 13) Defines "business purpose" to mean the use of personal information for the business's or a service provider's operational purposes, or other notified purposes, provided that the use of personal information shall be reasonably necessary and proportionate to achieve the operational purpose for which the personal information was collected or processed or for another operational purpose that is compatible with the context in which the personal information was collected. It provides a list of business purposes, including performing services on behalf of the business or service provider of which providing advertising or marketing services is specified. (Civ. Code § 1798.140(d).)

This bill:

- 1) Defines “loyalty, rewards, premium features, discounts, or club card program” to include an offering to one or more consumers of lower prices or rates for goods or services or a higher level or quality of goods or services, including through the use of discounts or other benefits, or a program through which consumers earn points, rewards, credits, incentives, gift cards or certificates, coupons, or access to sales or discounts on a priority or exclusive basis.
- 2) Provides that the CCPA shall not be construed to prohibit a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering its goods or services for no fee, if either of the following is true:
 - a) the offering is in connection with a consumer’s voluntary participation in a loyalty, rewards, premium features, discounts, or club card program; or
 - b) the offering is for a specific good or service whose functionality is directly related to the collection, use, or sale of the consumer’s data.
- 3) Prohibits a business from offering loyalty, rewards, premium features, discounts, or club card programs that are unjust, unreasonable, coercive, or usurious in nature.
- 4) Makes a series of findings and declarations.

COMMENTS

1. Protecting the fundamental right to privacy

Article I, Section 1 of the California Constitution provides: “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.” Privacy is therefore not just a policy goal; it is a constitutional right of every Californian. However, it has been under increasing assault.

The phrase “and privacy” was added to the California Constitution as a result of Proposition 11 in 1972; it was known as the “Privacy Initiative.” The arguments in favor of the amendment were written by Assemblymember Kenneth Cory and Senator George Moscone. The ballot pamphlet stated, in relevant part:

At present there are no effective restraints on the information activities of government and business. This amendment creates a legal and enforceable right of privacy for every Californian. The right of privacy . . . prevents government and

business interests from collecting and stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve other purposes or to embarrass us. . . . The proliferation of government and business records over which we have no control limits our ability to control our personal lives. . . . Even more dangerous is the loss of control over the accuracy of government and business records on individuals. . . . Even if the existence of this information is known, few government agencies or private businesses permit individuals to review their files and correct errors. . . . Each time we apply for a credit card or a life insurance policy, file a tax return, interview for a job[,] or get a drivers' license, a dossier is opened and an informational profile is sketched.¹

In 1977, the Legislature reaffirmed that the right of privacy is a “personal and fundamental right” and that “all individuals have a right of privacy in information pertaining to them.”² The Legislature further stated the following findings:

- “The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.”
- “The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.”
- “In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.”

Although written almost 50 years ago, these concerns seem strikingly prescient. Today, the world’s most valuable resource is no longer oil, but data. Companies regularly and systematically collect, analyze, share, and sell the personal information of consumers. While this data collection provides consumers various benefits, public fears about the widespread, unregulated amassing of personal information have only grown since privacy was made a part of California’s Constitution.

In response to growing concerns about the privacy and safety of consumers’ data, proponents of the CCPA, a statewide ballot initiative, began collecting signatures in order to qualify it for the November 2018 election. The goal was to empower consumers to find out what information businesses were collecting on them and give them the choice to tell businesses to stop selling their personal information. In response to the pending initiative, which was subsequently withdrawn, AB 375 (Chau, Ch. 55, Stats. 2018) was introduced, quickly shepherded through the legislative process, and signed into law. The outcome was the CCPA, Civil Code Section 1798.100 et seq.

¹ *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 17, quoting the official ballot pamphlet for the Privacy Initiative.

² Civ. Code § 1798.1.

The CCPA grants a set of rights to consumers with regard to their personal information, including enhanced notice and disclosure rights regarding information collection and use practices, access to the information collected, the right to delete certain information, the right to restrict the sale of information, and protection from discrimination for exercising these rights.

This bill seeks to add a section to the CCPA explicitly providing for loyalty programs.

2. Non-discrimination provisions of the CCPA

The CCPA prohibits a business from discriminating against a consumer based on the consumer's exercise of the rights afforded in the CCPA. The provision includes a non-exclusive list of conduct amounting to discrimination:

- denying goods or services;
- charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
- providing a different level or quality of goods or services to the consumer; or
- suggesting that the consumer will receive a different price or rate for goods or services or a different level or quality of goods or services.

This language essentially protects consumers from retaliation for exercising their rights under the CCPA. This provision is fundamental to ensuring the remaining rights provided for by the statute are meaningful for consumers.

However, within that same subdivision, the statute reads: "Nothing in this subdivision prohibits a business from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the consumer by the consumer's data." In the following subdivision, the CCPA authorizes businesses to provide "financial incentives" for the collection and sale of personal information. It also authorizes a business to offer "a different price, rate, level, or quality of goods or services to the consumer if that price or difference is directly related to the value provided to the consumer by the consumer's data." However, such practices require certain disclosures and consumer consent and must not be "unjust, unreasonable, coercive, or usurious in nature."

The language used in this section is arguably unclear as to what exactly it allows and prohibits. It should be noted that the CCPA authorizes the Attorney General to establish rules and guidelines regarding these "financial incentive offerings" and these regulations will work towards alleviating this confusion and avoiding conflicting interpretations.

However, businesses have expressed concerns that, as is, the non-discrimination provisions may prohibit a variety of loyalty and rewards programs that are currently in existence.

3. Ensuring the legal survival of loyalty programs

The author lays out the intent and need for the bill:

AB 846 will ensure that customer loyalty programs can continue to operate under the CCPA. Loyalty rewards programs are designed by businesses to encourage consumers to continue to shop at or use the services of businesses associated with each program. Through their participation, consumers are rewarded by businesses with built in incentives. These programs are offered by a wide breadth of businesses including grocery stores, hotels, drug stores, airlines, and a variety of other companies big and small. The CCPA was not intended to interfere with loyalty programs. However, the nondiscrimination section in the Act is unclear on this issue and businesses are concerned that as drafted, the CCPA could lead to the end of these programs as well as unnecessary litigation. AB 846 will provide more certainty for consumers and businesses by explicitly allowing loyalty programs to continue, while not weakening or diluting the nondiscrimination provision within the CCPA.

The bill accomplishes its ostensible goal by providing that nothing in the CCPA prohibits “a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering its goods or services for no fee” if such an offering is “in connection with a consumer’s voluntary participation in a loyalty, rewards, premium features, discounts, or club card program.” Such programs are defined to include:

an offering to one or more consumers of lower prices or rates for goods or services or a higher level or quality of goods or services, including through the use of discounts or other benefits, or a program through which consumers earn points, rewards, credits, incentives, gift cards or certificates, coupons, or access to sales or discounts on a priority or exclusive basis.

This language makes clear that businesses can offer special perks to members of their frequent flyer program or discounts to their grocery store rewards program. However, the bill does not constrain what the business can do with personal information collected as part of such programs. Therefore, it leaves open the possibility that businesses could systematically offer discounts and rewards as part of these programs and, in exchange, collect and sell such information across the internet without clear guidelines on what rights consumers have to restrict such sales.

Such a situation exacerbates a “pay-for-privacy” dynamic in which only those that can afford to forego the discounts or to pay for upgrades are able to protect their privacy. The language of the bill therefore could be interpreted to disproportionately disadvantage the fundamental privacy rights of lower-income consumers. The non-discrimination provisions of the CCPA were intended to avoid just such a situation.

Therefore, in order to avoid such an outcome, the Committee may wish to consider whether the following provisions should be included in the bill.

Amendment

In Section 2 of the bill, add the following provisions:

(d) A business that offers a different price, rate, level, or quality of goods or services to a consumer who exercises any of the consumer’s rights under this title shall comply with subdivision (b) of Section 1798.125.

(e) Nothing in this section shall be construed to deny a consumer’s rights pursuant to Section 1798.120.

(f) A business shall not offer a loyalty, rewards, premium features, discounts, or club card program without expressly and conspicuously providing the consumer with the option to participate in the program, on equal terms with other participants, without consenting to the sharing or sale of the consumer’s personal information with third parties.

These provisions ensure that consumers maintain their ability to exercise some control over the information that is collected as part of these programs and are not discriminated against for so exercising their rights. One example that has been raised is a grocery store program that allows a consumer to use their points for discounts on gas at certain gas stations. This language explicitly allows the store to share that information with the gas station.

The bill as so amended achieves the following:

- ensures that “customer loyalty programs can continue to operate under the CCPA,” the stated goal of the author and sponsor;
- allows businesses that operate such programs to collect and sell the personal information of consumers participating in the programs; but also
- provides consumers the clear ability to opt out of the sale of their personal information and to be protected from discrimination and retaliation within the program as a result of exercising that right.

4. Additional language eroding the non-discrimination provisions of the CCPA

Beyond allowing for customer loyalty programs, the bill also provides that nothing in the CCPA prohibits “a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering its goods or services for no fee” if such an offering is “for a specific good or service whose functionality is directly related to the collection, use, or sale of the consumer’s data.” It is unclear exactly what is intended to be authorized by this language and no explanation has been provided by the author or sponsor. The provision operates completely independently from the paragraph authorizing “loyalty, rewards, premium features, discounts, or club card programs,” the stated goal of the bill.

If this language is interpreted broadly, it could fundamentally undermine the non-discrimination provisions of the CCPA and prevent many consumers from meaningfully exercising their rights under the CCPA. The issues identified above regarding the creation of a pay-for-privacy framework are heightened by this vague language authorizing disparate treatment of consumers with respect to an unknown universe of offerings.

Writing in an oppose-unless-amended position, Consumer Reports addresses this provision of the bill: “This language is vague and could allow companies to penalize consumers for opting out of targeted advertising. In addition, the bill could prevent the Attorney General from setting guidelines regarding the CCPA’s notice requirements, so consumers may not even be able to make an informed choice about these programs.”

The Committee may wish to consider an amendment removing this provision of the bill to avoid turning privacy into a luxury commodity.

Amendment

Remove the following paragraph: “(2) The offering is for a specific good or service whose functionality is directly related to the collection, use, or sale of the consumer’s data.”

In addition, the bill includes certain findings and declarations that are based on a sponsored study of loyalty programs. Without access to the methodologies of such research, the Committee may wish to remove the quantitative findings from the bill.

SUPPORT

California Retailers Association (sponsor)
Alliance of Automobile Manufacturers
Association of National Advertisers
Azusa Chamber of Commerce

Brawley Chamber of Commerce
Building Owners and Managers Association of California
California Asian Pacific Chamber of Commerce
California Attractions and Parks Association
California Business Properties Association
California Business Roundtable
California Cable and Telecommunications Association
California Chamber of Commerce
California Fuels and Convenience Alliance
California Grocers Association
California Hotel and Lodging Association
California Restaurant Association
California Travel Association
Camarillo Chamber of Commerce
Carlitos Way Fresh Mexican Market
Carnicería Mi Mercadito, LLC
Civil Justice Association of California
Computing Technology Industry Association
Consumer Data Industry Association
Consumer Technology Association
Cost Plus World Market
CTIA
Chamber of Commerce Alliance of Ventura and Santa Barbara Counties
El Dorado County Joint Chambers Commission
El Rancho Mexican Restaurant
Elk Grove Chamber of Commerce
Email Sender and Provider Coalition
Encino Chamber of Commerce
Feld Entertainment
Folsom Chamber of Commerce
Garden Grove Chamber of Commerce
Greater Conejo Valley Chamber of Commerce
Insights Association
Interactive Advertising Bureau
International Council of Shopping Centers
JCPenney
La Rosa Meat Market
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Lowe's
Murrieta/Wildomar Chamber of Commerce
NAIOP of California
National Association of Theatre Owners of CA/NV
National Federation of Independent Business

NetChoice
North Orange County Chamber
Orange County Business Council
Oxnard Chamber of Commerce
Panadería Los ArcosPleasanton Chamber of Commerce
PetSmart
Pleasanton Chamber of Commerce
Ralphs/Food 4 Less
Rancho Cordova Chamber of Commerce
Roseville Area Chamber of Commerce
San Gabriel Valley Economic Partnership
Santa Clarita Valley Chamber of Commerce
Santa Maria Valley Chamber
Simi Valley Chamber
Southwest California Legislative Council
State Privacy and Security Coalition
The Silicon Valley Organization
Tacos La Tortillería - El Amigazo Western Wear
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
United Chamber Advocacy Network
Walgreens
Westside Council of Chambers of Commerce
Wine Institute

OPPOSITION

Access Humboldt
ACLU of California
Californians for Consumer Privacy
Center for Digital Democracy
Common Sense Kids Action
Consumer Federation of America
Consumer Reports
Digital Privacy Alliance
Electronic Frontier Foundation
Media Alliance
Oakland Privacy
Privacy Rights Clearinghouse

RELATED LEGISLATION

Pending Legislation:

SB 561 (Jackson, 2019) amends the private and consumer enforcement mechanisms in the CCPA. The bill also authorizes the Attorney General to provide general guidance on compliance with the CCPA. This bill is currently pending consideration in the Senate Appropriations Committee.

SB 753 (Stern, 2019) provides that a business does not sell personal information if the business, pursuant to a written contract, shares, discloses, or otherwise communicates to another business or third party a unique identifier only to the extent necessary to serve or audit a specific advertisement to the consumer. The bill requires the contract to prohibit the other business or third party from sharing, selling, or otherwise communicating the information except as necessary to serve or audit advertisement from the business. This bill is currently pending consideration in the Senate Judiciary Committee.

AB 25 (Chau, 2019) excludes from the definition of “consumer” in the CCPA a natural person whose personal information has been collected by a business in the course of a person acting as a job applicant or as an employee, contractor, or agent, on behalf of the business, to the extent their personal information is used for purposes compatible with the context of the person’s activities for the business as a job applicant, employee, contractor, or agent of the business. This bill is currently pending consideration in the Senate Judiciary Committee.

AB 288 (Cunningham, 2019) provides that when a user of a social networking service deactivates or deletes the user’s account, the service shall provide the user the option of having the user’s personally identifiable information permanently removed from any database controlled by the service, from the service’s records, and to prohibit the service from selling that information to, or exchanging that information with, a third party in the future. Consumers are authorized to bring civil actions for damages that occur as a result of violations of the bill, including attorney’s fees, pain and suffering, and punitive damages, as specified. This bill is currently pending consideration in the Assembly Privacy and Consumer Protection Committee.

AB 873 (Irwin, 2019) loosens the definition of “deidentified” and narrows the definition of “personal information” in the CCPA. The bill thereby limits the personal information subject to the protections of the CCPA. This bill is currently pending consideration in the Senate Judiciary Committee.

AB 874 (Irwin, 2019) amends the definitions of “personal information” and “publicly available” in the CCPA. It removes the application of the CCPA to publicly available information that is used for a purpose that is not compatible with the purpose for which the data is maintained and made available in government records or for which it is

publicly maintained. This bill is currently in pending consideration the Senate Judiciary Committee.

AB 981 (Daly, 2019) eliminates a consumer's right to request a business delete or not sell the consumer's personal information under the CCPA if it is necessary to retain or share the consumer's personal information to complete an insurance transaction requested by the consumer. It also strengthens privacy protections for the information of insureds. This bill is currently in pending consideration the Senate Insurance Committee.

AB 1146 (Berman, 2019) exempts from the opt-out and deletion protections and provisions of the CCPA vehicle information, including ownership information, shared between a new motor vehicle dealer and the vehicle's manufacturer, if the vehicle information is shared for the purpose of effectuating, or in anticipation of effectuating, a vehicle repair covered by a vehicle warranty or a recall and is not sold, shared, or used for any other purpose. This bill is currently pending consideration in the Senate Judiciary Committee.

AB 1355 (Chau, 2019) makes a series of technical changes to the CCPA and amends the definitions of "publicly available" and "personal information." This bill is currently pending consideration in the Senate Judiciary Committee.

AB 1416 (Cooley, 2019) establishes exceptions to the CCPA for a business that provides a consumer's personal information to a government agency solely for the purposes of carrying out a government program or sells the personal information of a consumer who has opted-out of the sale of the consumer's personal information to another person for the sole purpose of detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity. This bill is currently in pending consideration the Senate Judiciary Committee.

AB 1564 (Berman, 2019) reduces the methods a business must make available to consumers for submitting requests for information required to be disclosed pursuant to the CCPA. It removes the requirement that a business provide a toll-free telephone number for such purposes. This bill is currently pending consideration in the Senate Judiciary Committee.

AB 1760 (Wicks, 2019) strengthens various protections for consumers, including a change from opt-out consent for the sale of information to opt-in consent for the sharing of information. The bill also includes data minimization requirements and modifies various definitions. It also explicitly allows district attorneys, city attorneys, and county counsel to bring actions on behalf of the people for violations of the CCPA in addition to the Attorney General. It also removes the provision regarding the legal opinions of the Attorney General. This bill is currently pending consideration in the Assembly Privacy and Consumer Protection Committee.

Prior Legislation: AB 375 (Chau, Ch. 55, Stats. 2018) *See* Comment 2.

SB 1121 (Dodd, Ch. 735, Stats. 2018) amended the CCPA to make technical fixes and to address various stakeholder concerns.

PRIOR VOTES:

Assembly Floor (Ayes 69, Noes 4)

Assembly Appropriations Committee (Ayes 18, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 9, Noes 0)
