

HB0603/843323/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 603

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the second semicolon insert “authorizing certain monitoring practices.”; in line 21, strike “14-4612” and substitute “14-4613”; on page 3, in line 8, strike “and” and substitute “now, therefore.”; and strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On page 4, in lines 7, 9, 13, 15, and 18, strike “A CHILD” and substitute “CHILDREN”; and in line 16, strike “A CHILD’S” and substitute “CHILDREN’S”.

On page 4 in line 19, on page 15 in lines 10 and 22, on page 16 in lines 4 and 28, on page 17 in lines 10 and 22, and on page 18 in line 3, in each instance, after “DISABILITY,” insert “GENDER IDENTITY.”

On page 4 in lines 20 and 23, on page 5 in lines 1 and 29, on page 6 in line 1, on page 9 in line 9, on page 19 in lines 24 and 27, and on page 20 in lines 1 and 3, in each instance, strike “INFORMATION” and substitute “DATA”.

On page 5, in line 11, strike “ACTIVELY OR PASSIVELY RECEIVING” and substitute “RECEIVING”; in line 15, strike “, HOWEVER IDENTIFIED, INCLUDING BY A UNIQUE IDENTIFIER”; and in lines 19 and 23, in each instance, strike “GOVERNMENT AGENCY” and substitute “GOVERNMENTAL UNIT”.

On page 6, in line 24, after “(I)” insert “(1)”; and after line 26, insert:

“(2) “DARK PATTERN” INCLUDES ANY PRACTICE IDENTIFIED BY THE FEDERAL TRADE COMMISSION AS A DARK PATTERN.”.

On page 7, strike in their entirety lines 1 through 17, inclusive; and in lines 18, 20, and 29, strike “(N)”, “(O)”, and “(P)”, respectively, and substitute “(L)”, “(M)”, and “(N)”, respectively.

On pages 7 and 8, strike beginning with “, ALONE” in line 30 on page 7 down through “INFORMATION,” in line 1 on page 8.

On page 8, strike beginning with “INCLUDES” in line 2 down through “SUBSECTION” in line 3 and substitute “DOES NOT INCLUDE:”

(I) DE-IDENTIFIED DATA; OR

(II) PUBLICLY AVAILABLE INFORMATION;

in lines 4, 8, and 20, strike “(Q)”, “(R)”, and “(S)”, respectively, and substitute “(O)”, “(P)”, and “(Q)”, respectively; strike beginning with “ANY” in line 4 down through “FEET” in line 7, and substitute “INFORMATION DERIVED FROM TECHNOLOGY THAT CAN PRECISELY AND ACCURATELY IDENTIFY THE SPECIFIC LOCATION OF A CONSUMER WITHIN A RADIUS OF 1,750 FEET.”

(2) “PRECISE GEOLOCATION” INCLUDES LATITUDE AND LONGITUDE COORDINATES OF SIMILAR PRECISION TO THOSE PRODUCED BY A GLOBAL POSITIONING SYSTEM OR A SIMILAR MECHANISM.

(3) “PRECISE GEOLOCATION” DOES NOT INCLUDE:

(I) THE CONTENT OF COMMUNICATIONS;

(II) DATA GENERATED BY OR CONNECTED WITH A UTILITY COMPANY'S ADVANCED METERING INFRASTRUCTURE; OR

(III) DATA GENERATED BY EQUIPMENT USED BY A UTILITY COMPANY;

strike beginning with “TO” in line 8 down through “MEANS” in line 10 and substitute **“TO PERFORM AN OPERATION OR SET OF OPERATIONS BY MANUAL OR AUTOMATED MEANS ON PERSONAL DATA”**; strike beginning with the colon in line 11 down through “DATA” in line 19 and substitute **“COLLECTING, USING, STORING, DISCLOSING, ANALYZING, DELETING, OR MODIFYING PERSONAL DATA”**; in line 20, strike **“(1)”**; and strike in their entirety lines 25 through 27, inclusive.

On page 9, in lines 1, 11, and 28, strike **“(T)”**, **“(U)”**, and **“(V)”**, respectively, and substitute **“(R)”**, **“(S)”**, and **“(T)”**, respectively; and in line 12, strike **“REASONABLY EXPECTED”** and substitute **“IT IS REASONABLE TO EXPECT”**.

On pages 10 and 11, strike in their entirety the lines beginning with line 17 on page 10 through line 9 on page 11, inclusive.

On page 11, in lines 10 and 29, strike **“(X)”** and **“(Y)”**, respectively, and substitute **“(U)”** and **“(V)”**, respectively.

On page 12, strike in their entirety lines 3 through 18, inclusive; in line 19, strike **“(AA)”** and substitute **“(W)”**; and in line 27, after **“(1)”** insert **“DATA SUBJECT TO A STATUTE OR REGULATION IDENTIFIED UNDER ITEM (I) OF THIS ITEM THAT IS CONTROLLED BY A COVERED ENTITY OR SERVICE PROVIDER THAT IS:**

(I) REQUIRED TO COMPLY WITH:

(Over)

1. TITLE V OF THE FEDERAL GRAMM-LEACH-
BLILEY ACT;

2. THE FEDERAL HEALTH INFORMATION
TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT; OR

3. REGULATIONS PROMULGATED UNDER § 264(C) OF
THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996;
AND

(II) IN COMPLIANCE WITH THE INFORMATION SECURITY
REQUIREMENTS OF APPLICABLE STATUTES OR REGULATIONS IDENTIFIED IN
ITEM (I) OF THIS ITEM; OR”.

On pages 12 and 13, strike beginning with “**PROTECTED**” in line 27 on page 12 down through “**OR**” in line 9 on page 13.

On page 13, in line 10, strike “**(3)**” and substitute “**(2)**”; in line 24, strike “**SERVICES**” and substitute “**PRODUCTS**”; in the same line, after “**ARE**” insert “**REASONABLY**”; and in line 32, strike “**GIVE PRIORITY TO**” and substitute “**PRIORITIZE**”.

On pages 13 and 14, strike beginning with “**OVER**” in line 33 on page 13 down through “**AND**” in line 1 on page 14 and substitute a semicolon.

On page 14, strike beginning with “**INFRINGE**” in line 2 down through “**CHILDREN**” in line 3 and substitute “**REQUIRE A COVERED ENTITY TO MONITOR OR CENSOR THIRD-PARTY CONTENT OR OTHERWISE IMPACT THE EXISTING RIGHTS AND FREEDOMS OF ANY PERSON; AND**”

(6) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO DISCRIMINATE AGAINST CHILDREN ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY, GENDER IDENTITY, SEX, OR SEXUAL ORIENTATION”;

strike beginning with “WITHIN” in line 21 down through “PUBLIC” in line 22; and in lines 26 and 27, strike “AND OFFERED”.

On page 15 in lines 4, 6, 9, 16, 18, 21, 29, and 31, on page 16 in lines 3, 22, 24, and 27, on page 17 in lines 4, 6, 9, 16, 18, 21, 27, and 29, and on page 18 in line 2, in each instance, strike “THE CHILD” and substitute “CHILDREN”.

On page 15 in lines 7 and 19, on page 16 in lines 1 and 25, and on page 17 in lines 7, 19, and 30, in each instance, strike “THE CHILD’S” and substitute “CHILDREN’S”.

On page 15, in line 13, strike “WITNESS,”; and in line 14, strike the comma.

On page 16, strike beginning with “WHETHER” in line 6 down through “(V)” in line 17; and in line 30, strike “(VI)” and substitute “(V)”.

On page 17, in line 1, strike “SENSITIVE”; and in lines 12 and 24, strike “(VII)” and “(VIII)”, respectively, and substitute “(VI)” and “(VII)”, respectively.

On page 18, in line 5, strike “(IX)” and substitute “(VIII)”; in line 6, strike “AND OFFERED”; in line 7, after “CHILDREN” insert “;AND”

(4) INCLUDE A DESCRIPTION OF STEPS THAT THE COVERED ENTITY HAS TAKEN AND WILL TAKE TO COMPLY WITH THE DUTY TO ACT IN A MANNER CONSISTENT WITH THE BEST INTERESTS OF CHILDREN”;

(Over)

and in line 23, strike “CONFIGURE” and substitute “NOTWITHSTANDING ANY OTHER LAW, CONFIGURE”.

On page 19, in line 13, after “THE” insert “REQUESTED”.

On page 20, in line 10, after “PRODUCT;” insert “OR”; strike beginning with “ALLOW” in line 15 down through “TRACKED” in line 18 and substitute “ALLOW A PERSON OTHER THAN A CHILD’S PARENT OR GUARDIAN TO MONITOR THE CHILD’S ONLINE ACTIVITY WITHOUT FIRST NOTIFYING THE CHILD AND THE CHILD’S PARENT OR GUARDIAN”; and in line 19, after “(B)” insert “A COVERED ENTITY THAT PROVIDES AN ONLINE PRODUCT THAT IS ACCESSED OR REASONABLY LIKELY TO BE ACCESSED BY CHILDREN MAY ALLOW A CHILD’S PARENT OR GUARDIAN TO MONITOR THE CHILD’S ONLINE ACTIVITY OR TRACK THE CHILD’S LOCATION, WITHOUT PROVIDING AN OBVIOUS SIGNAL TO THE CHILD WHEN THE CHILD IS BEING MONITORED OR TRACKED.”

(C)”.

On page 23, after line 4, insert:

“(A) WHEREVER POSSIBLE, LAW RELATING TO CONSUMERS’ PERSONAL DATA SHOULD BE CONSTRUED TO HARMONIZE WITH THE PROVISIONS OF THIS SUBTITLE.”

“(B) IN THE EVENT OF A CONFLICT BETWEEN OTHER LAWS AND THIS SUBTITLE, THE PROVISIONS OF THE LAW THAT AFFORD THE GREATEST PROTECTION FOR THE RIGHT OF PRIVACY FOR CONSUMERS SHALL CONTROL.”

14-4613.”.