

# A-Engrossed House Bill 2008

Ordered by the House April 14  
Including House Amendments dated April 14

Sponsored by Representatives FAHEY, CHOTZEN; Representatives ANDERSEN, CHAICHI, FRAGALA, MCDONALD, MUNOZ, SOSA, WALTERS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: Changes some of the law that applies to the use of personal data of consumers. (Flesch Readability Score: 67.5).**

*[Digest: Tells a state agency to do a study on protection for consumers. (Flesch Readability Score: 60.7).]*

*[Requires the Department of Consumer and Business Services to study consumer protection. Directs the department to submit findings to the interim committees of the Legislative Assembly related to consumer protection not later than September 15, 2026.]*

*[Sunsets on January 2, 2027.]*

**Prohibits controllers from processing personal data for the purposes of targeted advertising, or selling personal data that pertains to a consumer, if the controller has actual knowledge, or disregards knowledge of whether, a consumer is under 16 years of age or if the personal data accurately identifies within a radius of 1,750 feet a consumer's present or past location or the present or past location of a device that links or is linkable to the consumer.**

## A BILL FOR AN ACT

1  
2 Relating to consumer protection; amending ORS 646A.578.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 646A.578, as amended by section 12, chapter 369, Oregon Laws 2023, is  
5 amended to read:

6 646A.578. (1) A controller shall:

7 (a) Specify in the privacy notice described in subsection (4) of this section the express purposes  
8 for which the controller is collecting and processing personal data;

9 (b) Limit the controller's collection of personal data to only the personal data that is adequate,  
10 relevant and reasonably necessary to serve the purposes the controller specified in paragraph (a)  
11 of this subsection;

12 (c) Establish, implement and maintain for personal data the same safeguards described in ORS  
13 646A.622 that are required for protecting personal information, as defined in ORS 646A.602, such  
14 that the controller's safeguards protect the confidentiality, integrity and accessibility of the personal  
15 data to the extent appropriate for the volume and nature of the personal data; and

16 (d) Provide an effective means by which a consumer may revoke consent a consumer gave under  
17 ORS 646A.570 to 646A.589 to the controller's processing of the consumer's personal data. The means  
18 must be at least as easy as the means by which the consumer provided consent. Once the consumer  
19 revokes consent, the controller shall cease processing the personal data as soon as is practicable,  
20 but not later than 15 days after receiving the revocation.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) A controller may not:

2 (a) Process personal data for purposes that are not reasonably necessary for and compatible  
3 with the purposes the controller specified in subsection (1)(a) of this section, unless the controller  
4 obtains the consumer's consent;

5 (b) Process sensitive data about a consumer without first obtaining the consumer's consent or,  
6 if the controller knows the consumer is a child, without processing the sensitive data in accordance  
7 with the Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq. and the regulations,  
8 rules and guidance adopted under the Act, all as in effect on January 1, 2024;

9 (c) Process a consumer's personal data for the purposes of targeted advertising[,] **or** of profiling  
10 the consumer in furtherance of decisions that produce legal effects or effects of similar significance  
11 [or of selling the consumer's personal data without the consumer's consent] if the controller has actual  
12 knowledge that, or willfully disregards whether, the consumer is [at least 13 years of age and not  
13 older than 15 years of age; or] **under 16 years of age;**

14 (d) **Sell personal data that:**

15 (A) **Pertains to a consumer if the controller has actual knowledge that, or willfully dis-**  
16 **regards whether, the consumer is under 16 years of age; or**

17 (B) **Accurately identifies within a radius of 1,750 feet a consumer's present or past lo-**  
18 **cation, or the present or past location of a device that links or is linkable to a consumer by**  
19 **means of technology that includes, but is not limited to, a global positioning system that**  
20 **provides latitude and longitude coordinates; or**

21 [(d)] (e) Discriminate against a consumer that exercises a right provided to the consumer under  
22 ORS 646A.570 to 646A.589 by means such as denying goods or services, charging different prices or  
23 rates for goods or services or providing a different level of quality or selection of goods or services  
24 to the consumer.

25 (3) Subsections (1) and (2) of this section do not:

26 (a) Require a controller to provide a good or service that requires personal data from a con-  
27 sumer that the controller does not collect or maintain; or

28 (b) Prohibit a controller from offering a different price, rate, level of quality or selection of  
29 goods or services to a consumer, including an offer for no fee or charge, in connection with a  
30 consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discount or  
31 club card program.

32 (4) A controller shall provide to consumers (4) a reasonably accessible, clear and meaningful pri-  
33 vacy notice that:

34 (a) Lists the categories of personal data, including the categories of sensitive data, that the  
35 controller processes;

36 (b) Describes the controller's purposes for processing the personal data;

37 (c) Describes how a consumer may exercise the consumer's rights under ORS 646A.570 to  
38 646A.589, including how a consumer may appeal a controller's denial of a consumer's request under  
39 ORS 646A.576;

40 (d) Lists all categories of personal data, including the categories of sensitive data, that the  
41 controller shares with third parties;

42 (e) Describes all categories of third parties with which the controller shares personal data at  
43 a level of detail that enables the consumer to understand what type of entity each third party is and,  
44 to the extent possible, how each third party may process personal data;

45 (f) Specifies an electronic mail address or other online method by which a consumer can contact

1 the controller that the controller actively monitors;

2 (g) Identifies the controller, including any business name under which the controller registered  
3 with the Secretary of State and any assumed business name that the controller uses in this state;

4 (h) Provides a clear and conspicuous description of any processing of personal data in which the  
5 controller engages for the purpose of targeted advertising or for the purpose of profiling the con-  
6 sumer in furtherance of decisions that produce legal effects or effects of similar significance, and a  
7 procedure by which the consumer may opt out of this type of processing; and

8 (i) Describes the method or methods the controller has established for a consumer to submit a  
9 request under ORS 646A.576 (1).

10 (5) The method or methods described in subsection (4)(i) of this section for submitting a  
11 consumer's request to a controller must:

12 (a) Take into account:

13 (A) Ways in which consumers normally interact with the controller;

14 (B) A need for security and reliability in communications related to the request; and

15 (C) The controller's ability to authenticate the identity of the consumer that makes the request;

16 (b) Provide a clear and conspicuous link to a webpage where the consumer or an authorized  
17 agent may opt out from a controller's processing of the consumer's personal data as described in  
18 ORS 646A.574 (1)(d) or, solely if the controller does not have a capacity needed for linking to a  
19 webpage, provide another method the consumer can use to opt out; and

20 (c) Allow a consumer or authorized agent to send a signal to the controller that indicates the  
21 consumer's preference to opt out of the sale of personal data or targeted advertising under ORS  
22 646A.574 (1)(d) by means of a platform, technology or mechanism that:

23 (A) Does not unfairly disadvantage another controller;

24 (B) Does not use a default setting but instead requires the consumer or authorized agent to  
25 make an affirmative, voluntary and unambiguous choice to opt out;

26 (C) Is consumer friendly and easy for an average consumer to use;

27 (D) Is as consistent as possible with similar platforms, technologies or mechanisms required  
28 under federal or state laws or regulations; and

29 (E) Enables the controller to accurately determine whether the consumer is a resident of this  
30 state and has made a legitimate request under ORS 646A.576 to opt out as described in ORS  
31 646A.574 (1)(d).

32 (6) If a consumer or authorized agent uses a method described in subsection (5) of this section  
33 to opt out of a controller's processing of the consumer's personal data under ORS 646A.574 (1)(d)  
34 and the decision conflicts with a consumer's voluntary participation in a bona fide reward, club card  
35 or loyalty program or a program that provides premium features or discounts in return for the  
36 consumer's consent to the controller's processing of the consumer's personal data, the controller  
37 may either comply with the request to opt out or notify the consumer of the conflict and ask the  
38 consumer to affirm that the consumer intends to withdraw from the bona fide reward, club card or  
39 loyalty program or the program that provides premium features or discounts. If the consumer affirms  
40 that the consumer intends to withdraw, the controller shall comply with the request to opt out.

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