

California Senate Committee Blesses Majority of CCPA Amendments

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Seven amendments to the California Consumer Privacy Act (CCPA) are one step closer to becoming law after the California Senate Committee on the Judiciary voted to advance the legislation earlier this month.

The bills now head to the Committee on Appropriations for a vote next month, followed by a vote of the full Senate. The legislature has until September 13, 2019 to pass bills.

The most consequential and anticipated of the amendments, A.B. 25, A.B. 846, A.B. 1202, A.B. 1564, and A.B. 1146, were changed by the Judiciary Committee. That means they will require the consent of the California Assembly before they can head to the governor's desk for a final signature.

By comparison, two technical amendments, A.B. 874 and A.B. 1355, were advanced without changes by the Judiciary Committee. If approved in their current form by the full Senate, these amendments will move directly to the governor for a signature.

Three CCPA amendments failed to secure approval by the Judiciary Committee and are unlikely to further advance. These are A.B. 1416, A.B. 873, and A.B. 981.

Here's the full list of CCPA amendments:

Amended and Approved by the Judiciary Committee

- **EMPLOYEE EXEMPTION:** [Assembly Bill 25](#) changes the CCPA so that the law does not cover collection of personal information from job applicants, employees, business owners, directors, officers, medical staff, or contractors.

What's New? The Senate Committee weakened the employee exception by sunseting the exemption on January 1, 2021, and negating the exemption with regard to the CCPA's notice and data breach liability provisions.

- **LOYALTY PROGRAMS:** [Assembly Bill 846](#) provides certainty to businesses that certain prohibitions in the CCPA would not apply to loyalty or rewards programs.

What's New? The bill was amended to prohibit a business from selling personal information of consumers collected as part of a loyalty, rewards, discount, premium features, or club card program.

- **DATA BROKER REGISTRATION:** [Assembly Bill 1202](#) requires data brokers to register with the California Attorney General.

What's New? The amendment dropped language that would have provided consumers the right to opt-out of the sale of their personal information by data brokers.

- **CONSUMER REQUEST FOR DISCLOSURE METHODS:** [Assembly Bill 1564](#) requires businesses to provide two methods for consumers to submit requests for information, including, at a minimum, a toll-free telephone number. A business that operates exclusively online and has a direct relationship with a consumer from whom it collects personal information is only required to provide an email address for submitting CCPA requests.

What's New? The original Assembly amendment proposed to allow a business to provide consumers with either a toll-free number or an email address and physical address. The Senate bill brings back the toll-free number requirement, but exempts online-only businesses from operating a toll-free number.

- **VEHICLE WARRANTIES & RECALLS:** [Assembly Bill 1146](#) exempts vehicle information retained or shared for purposes of a warranty or recall-related vehicle repair.

What's New? The bill was amended to more clearly describe vehicle recalls.

Approved by the Judiciary Committee

- **PUBLICLY AVAILABLE INFORMATION:** [Assembly Bill 874](#) streamlines the definition of “publicly available” to mean information that is lawfully made available from federal, state, or local government records. The bill also seeks to amend the definition of “personal information” to exclude deidentified or aggregate consumer information.
- **CLARIFYING AMENDMENTS:** [Assembly Bill 1355](#) exempts deidentified or aggregate consumer information from the definition of personal information, among other clarifying amendments.

Failed to Secure Approval

- **GOVERNMENT REQUESTS; FRAUD EXCEPTION:** [Assembly Bill 1416](#) creates exceptions for businesses complying with government requests; provides exceptions for the sale of information for detection of security incidents or fraud.
- **AMENDMENTS TO DEFINITIONS:** [Assembly Bill 873](#) broadens the definition of “deidentified” and clarifies that “personal information” includes information that “is *reasonably* capable of being associated with” a consumer or household.
- **INSURANCE EXEMPTIONS:** [Assembly Bill 981](#) exempts insurance institutions, agents, and insurance-support organizations (i.e., organizations assembling or collecting information about natural persons for the primary purpose of providing the information to an insurance institution or agent for insurance transactions) from complying with CCPA.

Our team will continue to track any new developments in the California Senate as these bills continue to be reviewed by the legislature.