

# US State Risk Assessment and Impact Assessment Requirements

ACTIVITY	STATE(S)
<b>Core Activities</b>	
Targeted advertising (“sharing”)	<b>Yes</b> – California, Colorado, Connecticut, Delaware, Indiana, Kentucky, Maryland, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Oregon, Rhode Island, Tennessee, Texas, Virginia  <b>No</b> – Iowa, Utah
Sale of personal data	
Processing of sensitive data	
Processing personal data for purposes of profiling where it presents reasonably foreseeable risk of unfair or deceptive treatment of, or unlawful disparate impact on, consumers; financial, physical, or reputational injury to consumers; physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; other subject injury to consumers	<b>Yes</b> – Colorado, <sup>i</sup> Connecticut, Delaware, Indiana, Kentucky, <sup>ii</sup> Maryland, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Oregon, Rhode Island, Tennessee, Texas, Virginia  <b>No</b> – California, Iowa, Utah
Any processing activities involving personal data that present a heightened risk of harm to consumers	<b>Yes</b> – Colorado, Delaware, Indiana, Kentucky, Minnesota, Montana, Nebraska, Oregon, Rhode Island, Tennessee, Texas, Virginia  <b>No</b> – California, Connecticut, Iowa, Maryland, New Hampshire, New Jersey, Utah
<b>Minor’s Data</b>	
Processing personal data of minors (under 18 years of age) in a manner that presents reasonably foreseeable risk that could cause: (1) unfair or deceptive treatment of, or unlawful disparate impact on, minors; (2) financial, physical, or reputational injury to minors; (3) unauthorized disclosure of personal data of minors as result of security breach, as defined in state law; or (4) physical or other intrusion upon solitude or seclusion, or private affairs or concerns, of minors if intrusion would be offensive to reasonable person	Colorado and Montana

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ACTIVITY	STATE(S)
Each controller that offers any online service, product, or feature to consumers whom such controller has actual knowledge, or willfully disregards are minors (under 18 years of age) shall conduct a data protection assessment for such online, product, service, or feature	Connecticut
Each controller that offers any online service, product, or feature to consumers whom such controller has actual knowledge, or willfully disregards, are minors (under 18 years of age) shall, if such online service, product, or feature engages in any profiling based on such consumers' personal data, conduct an impact assessment for such online service, product, or feature	
Each controller that offers any online service, product, or feature directed to consumers whom such controller has actual knowledge are children (under 13 years of age) shall conduct a data protection assessment for such online service, product, or feature that addresses (i) the purpose of such online service, product, or feature; (ii) the categories of known children's personal data that such online service, product, or feature processes; and (iii) the purposes for which such controller processes known children's personal data with respect to such online service, product, or feature	Virginia
<b>AI / ADMT / Automated Processing</b>	
Deployer that deploys high-risk artificial intelligence system	Colorado <sup>iii</sup>
Profiling for purposes of making a decision that produces any legal or similarly significant effect concerning a consumer	Connecticut <sup>iv</sup>

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ACTIVITY	STATE(S)
Using ADMT for a significant decision concerning a consumer <sup>v</sup>	California <sup>vi</sup>
Using automated processing to infer or extrapolate a consumer's intelligence, ability, aptitude, performance at work, economic situation, health (including mental health), personal preferences, interests, reliability, predispositions, behavior, location, or movements, based upon systematic observation of that consumer when they are acting in their capacity as an educational program applicant, job applicant, student, employee, or independent contractor for the business	
Using automated processing to infer or extrapolate a consumer's intelligence, ability, aptitude, performance at work, economic situation, health (including mental health), personal preferences, interests, reliability, predispositions, behavior, or movements, based upon that consumer's presence in a sensitive location. "Infer or extrapolate" does not include a business using a consumer's personal information solely to deliver goods to, or provide transportation for, that consumer at a sensitive location	
Processing the personal information of consumers, which the business intends to use to train an ADMT for a significant decision concerning a consumer; or train a facial-recognition, emotion-recognition, or other technology that verifies a consumer's identity, or conducts physical or biological identification or profiling of a consumer.	

<sup>i</sup> Colorado and New Jersey's law do not include "reputational" injury.

<sup>ii</sup> As amended by HB 473.

<sup>iii</sup> See Colorado AI Act, C.R.S. 6-1-1701, *et seq.*, effective June 30, 2026. A high-risk AI system is any AI system that, when deployed, makes or is a substantial factor in making, a consequential decision. "Consequential decision" is "a decision that has a material legal or similarly significant effect on the provision or denial to any consumer of, or the cost or terms of: (a) education enrollment or an education opportunity; (b) employment or an employment opportunity; (c) a financial or lending service; (d) an essential government service; (e) health-care services; (f) housing; (g) insurance; or (h) a legal service."

<sup>iv</sup> Effective July 1, 2026. Decision that produces any legal or similarly significant effect means any decision made by the controller, or on behalf of the controller, that results in the provision or denial by the controller of any financial or lending service, any housing, any insurance, any education enrollment or opportunity, any criminal justice, any employment or any health care service.

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<sup>v</sup> Significant decision means a decision that results in the provision or denial of financial or lending services, housing, education enrollment or opportunities, employment or independent contracting opportunities or compensation, or healthcare services.

<sup>vi</sup> See CCPA Regulation 7150.