
HOUSE BILL 2149

State of Washington

68th Legislature

2024 Regular Session

By Representative Reeves

Prefiled 01/04/24.

1 AN ACT Relating to consumer personal information; and adding a
2 new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Consumer" means a natural person who is a Washington
8 resident.

9 (2) "Personal information" means any one or more of the following
10 items of personally identifiable information about a consumer
11 collected by a transacting entity and maintained by the transacting
12 entity in an accessible form:

13 (a) A first and last name;

14 (b) A home or other physical address which includes the name of a
15 street and the name of a city or town;

16 (c) An email address;

17 (d) A telephone number;

18 (e) A social security number;

19 (f) An identifier that allows a specific person to be contacted
20 either physically or online; and

1 (g) Any other information concerning a person collected from the
2 person by a transacting entity and maintained by the transacting
3 entity in combination with an identifier in a form that makes the
4 information personally identifiable.

5 (3) "Point of sale" means the circumstance in which a consumer
6 executes payment for goods or services and where sales taxes may
7 become payable.

8 (4) "Selling" means selling, renting, releasing, disclosing,
9 disseminating, making available, transferring, or otherwise
10 communicating orally, in writing, or by electronic or other means, a
11 consumer's personal information by a transacting entity to a third
12 party for monetary or other valuable consideration. For purposes of
13 this chapter, a transacting entity does not sell personal information
14 when:

15 (a) A consumer uses or directs the transacting entity to
16 intentionally:

17 (i) Disclose personal information; or

18 (ii) Interact with one or more third parties;

19 (b) The transacting entity uses or shares an identifier for a
20 consumer who has opted out of the sale of the consumer's personal
21 information or limited the use of the consumer's sensitive personal
22 information for the purposes of alerting persons that the consumer
23 has opted out of the sale of the consumer's personal information or
24 limited the use of the consumer's personal information;

25 (c) The transacting entity transfers to a third party the
26 personal information of a consumer as an asset that is part of a
27 merger, acquisition, bankruptcy, or other transaction in which the
28 third party assumes control of all or part of the transacting entity,
29 provided that information is used or shared consistently with this
30 title. If a third party materially alters how it uses or shares the
31 personal information of a consumer in a manner that is materially
32 inconsistent with the promises made at the time of collection, it
33 shall provide prior notice of the new or changed practice to the
34 consumer. The notice shall be sufficiently prominent and robust to
35 ensure that existing consumers can easily exercise their choices
36 consistently with this title.

37 (5) "Sharing" means renting, releasing, disclosing,
38 disseminating, making available, transferring, or otherwise
39 communicating orally, in writing, or by electronic or other means, a
40 consumer's personal information by a transacting entity to a third

1 party whether or not for monetary or other valuable consideration,
2 including transactions between a transacting entity and a third party
3 for cross-context behavioral advertising for the benefit of a
4 transacting entity in which no money is exchanged. For purposes of
5 this title, a transacting entity does not share personal information
6 when:

7 (a) A consumer uses or directs the transacting entity to
8 intentionally disclose personal information or intentionally interact
9 with one or more third parties;

10 (b) The transacting entity uses or shares an identifier for a
11 consumer who has opted out of the sharing of the consumer's personal
12 information or limited the use of the consumer's sensitive personal
13 information for the purposes of alerting persons that the consumer
14 has opted out of the sharing of the consumer's personal information
15 or limited the use of the consumer's personal information;

16 (c) The transacting entity transfers to a third party the
17 personal information of a consumer as an asset that is part of a
18 merger, acquisition, bankruptcy, or other transaction in which the
19 third party assumes control of all or part of the transacting entity,
20 provided that information is used or shared consistently with this
21 title. If a third party materially alters how it uses or shares the
22 personal information of a consumer in a manner that is materially
23 inconsistent with the promises made at the time of collection, it
24 shall provide prior notice of the new or changed practice to the
25 consumer. The notice shall be sufficiently prominent and robust to
26 ensure that existing consumers can easily exercise their choices
27 consistently with this title.

28 (6) "Transacting entity" means any of the following:

29 (a) A resident individual who engages regularly in commercial
30 activity for the purpose of generating income;

31 (b) A corporation or nonprofit corporation, limited liability
32 company, partnership or limited liability partnership, business
33 trust, joint venture, or other form of business organization the
34 constituent parts of which share an economic interest;

35 (c) A financial institution, as defined in RCW 9A.56.280;

36 (d) The state or any political subdivision thereof; or

37 (e) An individual that controls, is controlled by, or is under
38 common control with a person described in (b) or (c) of this
39 subsection.

1 NEW SECTION. **Sec. 2.** Any transacting entity conducting business
2 in this state who collects personal information from a consumer at a
3 point of sale is prohibited from selling or sharing that consumer's
4 personal information unless the transacting entity first receives
5 express permission from the consumer that the transacting entity is
6 affirmatively authorized to share or sell that consumer's personal
7 information.

8 NEW SECTION. **Sec. 3.** (1) The legislature finds that the
9 practices covered by this chapter are matters vitally affecting the
10 public interest for the purpose of applying the consumer protection
11 act, chapter 19.86 RCW. A violation of this chapter is not reasonable
12 in relation to the development and preservation of business and is an
13 unfair or deceptive act in trade or commerce and an unfair method of
14 competition for the purpose of applying the consumer protection act,
15 chapter 19.86 RCW.

16 (2) This chapter may be enforced solely by the attorney general
17 under the consumer protection act, chapter 19.86 RCW.

18 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
19 constitute a new chapter in Title 19 RCW.

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