

Fiscal Estimate - 2025 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 25-2468/1	Introduction Number SB-0166
Description consumer data protection and providing a penalty	
Fiscal Effect State: ☐ No State Fiscal Effect ☐ Indeterminate ☐ Increase Existing Appropriations ☐ Decrease Existing Appropriations ☐ Create New Appropriations ☒ Increase Existing Revenues ☐ Decrease Existing Revenues ☒ Increase Costs - May be possible to absorb within agency's budget ☐ Yes ☒ No ☐ Decrease Costs Local: ☐ No Local Government Costs ☐ Indeterminate 1. ☐ Increase Costs 3. ☐ Increase Revenue ☐ Permissive ☐ Mandatory ☐ Permissive ☐ Mandatory 2. ☐ Decrease Costs 4. ☐ Decrease Revenue ☐ Permissive ☐ Mandatory ☐ Permissive ☐ Mandatory 5. Types of Local Government Units Affected ☐ Towns ☐ Counties ☐ School Districts ☐ Village ☐ Others ☐ WTCS Districts ☐ Cities	

Fiscal Estimate Narratives
DATCP 6/16/2025

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Description consumer data protection and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) is responsible for enforcing laws that protect consumers and businesses, including laws that prohibit deception, fraud and misrepresentation in the solicitation of goods and services. Consumer complaints that result in investigations are primarily referred to the Department of Justice (DOJ) and local district attorneys for enforcement, as appropriate.

The bill provides DATCP and DOJ the authority to enforce violations of the provisions of the bill, including ensuring controllers comply with rights provided to consumers related to personal data, provide required consumer notifications, conduct data protection assessments, and respond to consumer requests to invoke rights under the bill without undue delay, including appeals.

Before bringing an enforcement action, DATCP or DOJ must provide a controller written notice of the violation and give 30 days to cure the violation and respond with a written statement that the violation has been cured and that the controller will remain in compliance. The right to cure sunsets in 2031 under the bill. Uncured violations of the requirements of the bill by controllers are subject to forfeitures of \$10,000 per violation, which will be deposited into the state's Common School Fund. In addition, DOJ and DATCP may recover reasonable costs of investigation and litigation from successful enforcement actions brought by the state. These revenues, if any would be deposited into an existing DATCP appropriation.

DATCP has procedures in place to review and respond to consumer complaints related to violations of the provisions of this bill but may not be resourced to handle the volume of complaints resulting from implementation of this bill. Due to the number of notification and data retention requirements, along with the right to cure, mediation and investigation of complaints related to provisions in this bill will be more complex and require more time to resolve.

After reviewing similar legislation and resourcing needs in other states it's anticipated DATCP will require 1.0 full-time equivalent (FTE) position to manage consumer complaint mediation, business education, and in-depth business practice analysis and investigation.

Long-Range Fiscal Implications

Long-range fiscal implications are unknown.

Fiscal Estimate Worksheet - 2025 Session

Detailed Estimate of Annual Fiscal Effect

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Description consumer data protection and providing a penalty		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$102,822	\$
(FTE Position Changes)	(1.0 FTE)	
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$102,822	\$
B. State Costs by Source of Funds		
GPR	102,822	
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$102,822	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By	Authorized Signature	Date
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