



SPONSOR: Rep. Shupe & Sen. Pettyjohn
Reps. Hilovsky, Lynn, Parker Selby, Yearick; Sens.
Hocker, Lawson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 359

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO PERSONAL DATA PRIVACY AND
CONSUMER PROTECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 12D-103, Title 6 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 12D-103. Applicability of chapter [Effective Jan. 1, 2025].

4 (b) This chapter does not apply to any of the following entities:

5 (1) Any regulatory, administrative, advisory, executive, appointive, legislative, or judicial body of the State or
6 a political subdivision of the State, including any board, bureau, commission, agency of the State or a political
7 subdivision of the State, but excluding any institution of higher education. Notwithstanding this paragraph (b)(1), this
8 chapter applies to a regulatory, administrative, advisory, executive, appointive, legislative, or judicial body of the State
9 as necessary for purposes of the enforcement of a consumer's right under § 12D-104(a)(6) of this title against the State.

10 Section 2. This Act takes effect on January 1, 2025.

SYNOPSIS

This Act is a substitute for House Bill No. 359. This Act, like House Bill No. 359, changes the applicability of the Delaware Personal Data Privacy Act. This Act differs from House Bill No. 359 because instead of applying all of the provisions of the Delaware Personal Data Privacy Act to the State government, this Act limits the application to the State government only for purposes of a consumer enforcing a right under § 12D-104(a)(6) of Title 6 of the Delaware Code to opt out of the processing of the consumer's personal data for the purpose of targeted advertising, the sale of personal data, and profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer.