

REFERENCE TITLE: consumer data; privacy; federal standard

State of Arizona
House of Representatives
Fifty-fourth Legislature
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2020

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Introduced by
Representatives Bolick: Barto, Carroll, Finchem, Lieberman, Osborne

A CONCURRENT RESOLUTION

SUPPORTING A SINGLE FEDERAL STANDARD FOR COMPREHENSIVE CONSUMER DATA
PRIVACY REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the internet knows no borders and is therefore an
2 inherently cross-jurisdictional entity; and

3 Whereas, consumer data privacy is fundamentally a matter of personal
4 discretion for which there are distinct and wide-ranging preferences; and

5 Whereas, state-based comprehensive consumer data privacy standards
6 run the risk of disrupting the free flow of interstate commerce by
7 creating a diversity of ever-evolving and potentially inconsistent
8 compliance obligations; and

9 Whereas, inconsistent state approaches to consumer data privacy
10 regulation will harm businesses, especially small businesses seeking to do
11 business in multiple states; and

12 Whereas, regulatory balkanization insulates incumbent industry
13 actors and directly harms the development of novel business models and
14 competition; and

15 Whereas, the enactment of comprehensive privacy regulation unduly
16 burdens interstate commerce and is, therefore, likely in violation of
17 Article I, Constitution of the United States; and

18 Whereas, a harms-based approach to protecting consumer data privacy
19 grounded in concrete and readily demonstrable injury affords
20 predictability, consistency and security to consumers and firms alike; and

21 Whereas, states already have broad consumer protection authority to
22 punish deceptive trade practices as inherently harmful, without having to
23 prove independent harm, thus holding firms accountable for violating their
24 terms of services, making other material representations to users and
25 omitting material information; and

26 Whereas, state attorneys general are well-positioned to identify and
27 address actual harms to consumer privacy; and

28 Whereas, states remain well-suited to enforce sector-specific
29 privacy laws targeted to specific harms in traditional areas of oversight,
30 such as law enforcement and insurance.

31 Therefore

32 Be it resolved by the House of Representatives of the State of Arizona,
33 the Senate concurring:

34 1. That the Members of the Legislature oppose the enactment of
35 laws, the adoption of regulations or the imposition of out-of-state
36 standards that would restrict or otherwise dictate standards related to
37 consumer data privacy, absent a clear nexus with consumer harm.

38 2. That the Members of the Legislature believe a single federal
39 standard for comprehensive consumer data privacy regulation is preferable
40 to a state-by-state approach.