

**(Without Reference to File)**

CONCURRENCE IN SENATE AMENDMENTS

AB 694 (Committee on Privacy and Consumer Protection)

As Amended September 3, 2021

Majority vote

**SUMMARY**

This bill, the Assembly Privacy and Consumer Protection Committee omnibus bill, extends the authority of a county's board of supervisors to charge certain fees and extend related provisions. This bill makes minor updates and nonsubstantive changes to other statutes.

**Senate Amendments**

Are technical in nature to address chaptering out issues with AB 335 (Boerner Horvath) of the current legislative session.

**COMMENTS**

*Weights and measures sunset extension:* County Sealers of Weights and Measures are responsible for ensuring that all commercial scaling and volumetric measuring devices are providing accurate readings. This ensures that customers are paying the appropriate amount for a purchased product and to level the playing field between retailers. Existing law authorizes counties to charge fees to recover the costs of the County Sealer performing an inspection. These inspections cover devices, such as: retail fuel dispensing meters; water meters; electric meters, which measure electricity that is sub-metered by a mobile home park, apartment complex, or boat dock; liquefied petroleum gas meters or gas vapor meters that are sub-metered; truck scales, cattle scales and grocery counter scales; taxi meters; and a variety of other devices that weigh or meter a commodity offered for sale.

The authority of counties that collect these fees will sunset on January 1, 2022. This bill would extend the sunset on these provisions until January 1, 2027, in order to preserve the integrity of the marketplace and protect consumers from overcharges by ensuring the continuation of the Commercial Weighing and Measuring Device Registration Program. This proposal was submitted by the California Agricultural Commissioners and Sealers Association and does not propose any changes or increases to the existing fees.

Extending the sunset on these provisions has happened regularly for decades, the last time being AB 347 (Chau), Chapter 521, Statutes of 2018), which enjoyed bipartisan support throughout the Legislature and was passed unanimously by this Committee.

*Weights and measures technical cleanup:* Every state in the United States has similar requirements for standards used by Registered Service Agencies who install and repair commercial weighing and measuring devices. This proposal, submitted by the California Agricultural Commissioners and Sealers Association would remove an outdated reference to make California law consistent with national model law, and make other technical changes.

Specifically, this bill would update a reference to the National Institute of Standards and Technology 105 Series Handbooks to reference the title of the updated handbook. The proposal would make other, non-substantive corrections.

*CPRA technical cleanup:* In 2018, the Legislature enacted the California Consumer Protection Act (CCPA) (AB 375 (Chau), Chapter 55, Statutes of 2018), which gives consumers certain rights regarding their personal information (PI), such as: 1) the right to know what PI that is collected and sold about them; 2) the right to request the categories and specific pieces of PI the business collects about them; and 3) the right to opt-out of the sale of their PI, or opt-in in the case of minors under 16 years of age. The CCPA was the byproduct of compromises made between business interests on one side, and consumer and privacy interests on the other, to provide a legislative alternative to a ballot initiative on the same subject.

Last year, California voters passed Proposition 24, which, in addition to establishing certain new rights, renames the CCPA as the California Privacy Rights Act (CPRA). Among other things, Proposition 24 creates a Privacy Protection Agency (CPPA) in California, vested with full administrative power, authority, and jurisdiction to implement and enforce the CCPA and presumably, the CPRA. The CPPA is governed by a five-member board, with the chairperson and one member of the board appointed by the Governor, and one member each appointed by the Attorney General, Senate, and Assembly, respectively. (Civil Code Section 1798.199.10.).

This proposal, submitted by Californians for Consumer Privacy, would make three technical corrections to the CPRA. First, the proposal would delete a duplicative phrase, "or by the consumer", from the exception to the definition of "personal information" for "publicly available" information in Civil Code Section 1798.140(v)(2). This same phrase appears earlier in the same sentence.

Second, the proposal would correct an error made in preparing the text of Proposition 24 submitted by the proponent to the Attorney General for inclusion in the ballot pamphlet. This correction is accomplished by deleting three commas and adding one comma in Civil Code Section 1798.145(k).

Finally, the proposal would correct a discrepancy between Civil Code Section 1798.100.40(b), which provides for the CPPA to assume responsibility for rule-making the earlier of July 1, 2021, or six months after the CPPA provides notice to the Attorney General that it is prepared to assume responsibility, and Section 1798.185(d), which specifies that it is the "later" of these two dates. Because the appointments to the CPPA were just made it should be the later of the two dates.

Regarding these three changes, Californians for Consumer Privacy writes, "[t]he proposed changes are technical in nature and, from our perspective, are not controversial. They will ensure that the law is clear around these important provisions which will benefit consumers, the CPPA and businesses obligated under the law

### **According to the Author**

This bill constitutes the omnibus bill of the Assembly Privacy and Consumer Protection Committee (Committee). The purpose of the omnibus bill is to increase the efficiency of the legislative process, conserve legislative resources, and eliminate the need to unnecessarily hear a number of technical, clarifying, or modest stand-alone bills that might otherwise have to be introduced and require individual consideration by this Committee.

### **Arguments in Support**

None on file.

**Arguments in Opposition**

None on file.

**FISCAL COMMENTS**

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**VOTES:**

**ASM PRIVACY AND CONSUMER PROTECTION: 11-0-0**

**YES:** Chau, Kiley, Bauer-Kahan, Bennett, Carrillo, Cunningham, Gabriel, Gallagher, Irwin, Lee, Wicks

**ASM APPROPRIATIONS: 16-0-0**

**YES:** Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Holden, Akilah Weber, Berman

**ASSEMBLY FLOOR: 75-0-3**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon  
**ABS, ABST OR NV:** Cervantes, Gallagher, Medina

**UPDATED**

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