Amend printed copy of **SB 15/SCS 1**

On page 1, line 5, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 3, line 9, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 3, line 10, after "***Section***", delete "***11***" and insert "***10***" in lieu thereof; and

On page 9, line 6, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 9, line 13, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 10, line 1, after "***offense***", insert "***or if a state agency has authority under state or federal law to request or share individualized data***"; and

On page 11, lines 5 to 7, delete in their entirety and insert in lieu thereof:

"***(i) Small telephone utility as defined in KRS 278.516, a Tier III CMRS provider as defined in KRS 65.7621, or a municipally owned utility that does not sell or share personal data with any third-party processor.***"; and

On page 11, line 8, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 11, line 19, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 13, line 12, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 17, line 13, after "***Section***", delete "***9***" and insert "***8***" in lieu thereof; and

On page 19, line 14, delete "***and***"; and

On page 19, line 15, after "***consumer***", insert the following:

"***; and***

Amendment No.	SFA 3
Committee Amendment	
Floor Amendment	
Adopted:	
Rejected:	

Rep.	Sen. Whitney Westerfield
Signed:	
LRC Drafter:	
Date:	
Doc. ID:	XXXX

> (d)   *Provide an explanation of how the consumer's data will be used by the controller*";
>
> and

On page 19, lines 16 to 27, and on page 20, lines 1 to 8, delete in their entirety and insert in lieu thereof:

"*(6)   Controllers shall not process the personal data of a consumer unless at least one (1) of the following conditions applies:*

> *(a)   The controller is able to demonstrate that the consumer's personal data is being processed for:*
>
> > *1.   One (1) or more specific purposes; and*
> >
> > *2.   The controller does not require the consumer to provide consent as a condition of using the controller's product or service, unless processing the consumer's personal data is required to provide the product or service to the consumer;*"; and

On page 21, line 1, after "*Sections 1 to*", delete "*12*" and insert "*11*" in lieu thereof; and

On page 22, lines 4 to 9, delete in their entirety and insert in lieu thereof:

"*(12) Except as otherwise provided in Sections 1 to 11 of this Act, a controller shall not process sensitive data concerning a consumer without allowing the consumer to opt out pursuant to Sections 1 to 11 of this Act, or in the case of the processing of sensitive data of a child, without obtaining consent from the child's parent or lawful guardian, in accordance with the requirements set forth in the federal Children's Online Privacy Protection Act, 15 U.S.C. sec. 6501 et seq.*"; and

On page 22, line 10, after "*Sections 1 to*", delete "*12*" and insert "*11*" in lieu thereof; and

On page 22, line 13, after "*Sections 1 to*", delete "*12*" and insert "*11*" in lieu thereof; and

On page 22, line 21, after "*Sections 1 to*", delete "*12*" and insert "*11*" in lieu thereof; and

On page 24, line 3, after "*Sections 1 to*", delete "*12*" and insert "*11*" in lieu thereof; and

Amend printed copy of **SB 15/SCS 1**

On page 24, line 7, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 24, line 25, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 26, line 5, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 26, line 22, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 26, line 24, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 26, line 25, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 27, line 2, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 27, line 11, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 2, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 5, after "***Sections 1 to***", delete "***12 of***" and insert "***11 of this***" in lieu thereof; and

On page 28, line 6, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 8, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 12, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 13, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 14, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, line 18, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 28, lines 21 to 27, page 29, lines 1 to 27, and page 30, lines 1 to 21, delete in their entirety; and

Renumber subsequent sections accordingly; and

On page 30, line 24, after "***(1)***", delete "***Except as provided in Section 10 of this Act,***"; and

On page 30, line 25, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 30, line 26, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, line 3, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, line 5, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

SENATE

2023 REGULAR SESSION

Amend printed copy of **SB 15/SCS 1**

Rep. Sen. Whitney
Westerfield

Doc. ID: XXXX

On page 31, line 7, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, line 14, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, line 17, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, line 20, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 31, lines 21 to 27, and page 32, lines 1 to 4, delete in their entirety and insert in lieu thereof:

"***(6)   In determining a civil penalty under this section, the court shall consider a controller's or processor's good-faith efforts to comply with the requirements of Sections 1 to 11 of this Act.***"; and

On page 32, line 6, after "***Section***", delete "***11***" and insert "***10***" in lieu thereof; and

On page 32, line 9, after "***Except***", delete "***as provided in subsection (3) of this section or***"; and

On page 32, line 10, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 11, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 12, after "***(2)***", delete "***Except as provided in subsection (3) of this section,***"; and

On page 32, lines 13 to 14, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 14, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 17, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 19, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, line 21, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 32, lines 22 to 27, and page 33, lines 1 to 3, delete in their entirety; and

On page 33, line 8, after "***Section***", delete "***9***" and insert "***8***" in lieu thereof; and

On page 33, line 10, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

SENATE

2023 REGULAR SESSION

Amend printed copy of **SB 15/SCS 1**

Rep. Sen. Whitney
Westerfield

Doc. ID: XXXX

On page 33, line 14, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 33, line 17, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 33, line 22, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 34, line 1, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof; and

On page 34, lines 4 to 5, after "***Sections 1 to***", delete "***12***" and insert "***11***" in lieu thereof.