

By: Bhojani

H.B. No. 5495

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the use of global privacy controls to protect a consumer's personal data; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 541, Business & Commerce Code, is amended by adding Section 541.056 to read as follows:

Sec. 541.056. GLOBAL PRIVACY CONTROL. (a) In this section:

(1) "Global privacy control" means a browser plug-in, privacy setting, device setting, or other mechanism that communicates or signals a consumer's decision not to have the consumer's data sold, shared, or disclosed.

(2) "Plug-in" means a piece of software code that enables a computer application or program to perform an activity the application or program cannot do independently.

(b) A controller collecting personal data from a consumer online shall treat the consumer's use of a global privacy control as a valid request submitted by the consumer not to sell, share, or disclose the consumer's personal data.

(c) A controller that operates an Internet web browser in this state shall enable the browser to automatically recognize and comply with a consumer's global privacy control choices.

SECTION 2. Section 541.155, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

1 (a) Except as provided by Subsection (a-1), a [A] person who
2 violates this chapter following the cure period described by
3 Section 541.154 or who breaches a written statement provided to the
4 attorney general under that section is liable for a civil penalty in
5 an amount not to exceed \$7,500 for each violation.

6 (a-1) A person who violates Section 541.056 following the
7 cure period described by Section 541.154 is liable for a civil
8 penalty:

9 (1) in an amount not to exceed \$5,000 for each
10 violation; or

11 (2) if a person repeatedly violates Section 541.056,
12 in an amount that is:

13 (A) greater than \$5,000; and

14 (B) sufficient to deter future violations of that
15 section, as determined by the court.

16 SECTION 3. This Act takes effect September 1, 2025.