

On behalf of the ad industry, ANA, 4A's, AAF, IAB, and NAI, we oppose SB242 because it would enact unclear terms harming consumers and local businesses. The bill would prohibit the sale of location data absent the primary user of the device's explicit consent. The bill does not define its key terms: "location data," "explicit consent," or "sale." It proposes an unworkable standard of requiring consent of the device's primary user without addressing how to determine the "primary user."

Location data use benefits consumers, such as use: (1) by scientists to stop the spread of COVID-19, and (2) to send relevant ads to consumers for the right product at the right place and time. Location-based ads subsidize access to online offerings for free or at a very low cost. SB242 would cause a chilling effect on such ad-subsidized offerings, harming consumers and forcing many businesses to instead require paid subscriptions. Small businesses in the state that depend on location-based ads to reach consumers will be severely impacted by SB242 at a time when many businesses are already struggling due to COVID-19 impacts.

We urge the committee to decline passage of this bill. Thank you for your consideration.