

<u>Law</u>	<u>Status</u>	<u>Scope</u>	<u>Definition</u>	<u>Prohibited Activity</u>
<p><a href="#">California Privacy Rights Act (CPRA)</a></p> <p><i>Cal. Civ. Code § 1798.199.10 et seq.</i></p>	<p>Enacted December 6, 2020, takes effect Jan. 1, 2023</p> <p>Modified Proposed California Consumer Privacy Act (CCPA) Regulations proposed October 17, 2022</p>	<p>Covers businesses that collect and dictate the processing of consumer’s personal information, do business in CA, and either: (1) had an annual gross revenue of over \$25 million in the preceding calendar year; (2) buy, sell, or share the personal information of 100,000 consumers annually, or (3) gets 50% plus of its revenue from selling or sharing consumer personal information; as well as entities that control or are controlled by businesses that meet these requirements. § 1798.140 (d)(1)-(4).</p>	<p>“<b>Dark pattern:</b> means a user interface designed or manipulated with the <b>substantial effect of subverting or impairing user autonomy, decision making, or choice,</b> as further defined by regulation.” § 1798.140 (l).</p>	<p>Within the definition of “Consent:” “. . . <b>agreement obtained through use of dark patterns does not constitute consent.</b>” § 1798.140(h).</p> <p>“Ensure that any link to a web page or its supporting content that <b>allows the consumer to consent to opt in...</b>(iii) <b>Does not make use of any dark patterns.</b>” § 1798.135(b).</p> <p>“(a) Except as expressly allowed by the CCPA and these regulations, businesses shall design and implement methods for submitting CCPA requests and obtaining consumer consent that incorporate the following principles...</p> <ol style="list-style-type: none"> <li>(1) Easy to understand...</li> <li>(2) Symmetry in choice...</li> <li>(3) Avoid language or interactive elements that are confusing to the consumer...</li> <li>(4) Avoid manipulative language or choice architecture that impairs or interferes with the consumer’s ability to make a choice....</li> <li>(5) Easy to execute...</li> </ol> <p>(b) A method that does not comply with subsection (a) <b>may be considered a dark pattern.</b> Any agreement obtained through the use of dark patterns shall not constitute consumer consent....”  <i>Modified Text of the CCPA’s Proposed CPRA Regulations §7004(a)&amp;(b)</i></p>
<p><a href="#">California Age Appropriate Design Code (AADC)</a></p> <p><i>Cal. Civ. Code § 1798.99.28 et seq.</i></p>	<p>Enacted Sept. 15, 2022, takes effect July 1, 2024</p>	<p>Applies to businesses that offer “online services, products, or features” that are likely to be accessed by children. § 1798.99.30 (4)(b)(4).</p>	<p>“<b>Dark pattern:</b> means a user interface designed or manipulated with the <b>substantial effect of subverting or impairing user autonomy, decision making, or choice,</b> as further defined by regulation.” § 1798.140 (l).</p>	<p>“A business that provides an online service, product, or feature likely to be accessed by children shall not take any of the following actions: ... (7) <b>Use dark patterns to lead or encourage children to provide personal information</b> beyond what is reasonably expected to provide that online service, product, or feature to forego privacy protections, or to take any action that the business knows, or has reason to know, is <b>materially detrimental</b> to the child’s physical health, mental health, or well-being.” § 1798.99.31(b)(7).</p>

<p><i>Colorado Privacy Act (CPA)</i></p> <p><i>Colo. Rev. Stat. § 6-1-1301 et seq.</i></p>	<p>Enacted July 7, 2021, takes effect July 1, 2023</p>	<p>Applies to “controllers” that do business or target products and services at Colorado residents and either: (1) control or process the data of 100,000+ consumers per calendar year or (2) make money or receive a discount on goods or services from the sale of personal data and processes or controls the personal data of 25,000+ consumers. § 6-1-1304(1).</p>	<p>“<b>Dark Pattern:</b> means a user interface designed or manipulated with the <b>substantial effect of subverting or impairing user autonomy, decision-making, or choice.</b>” § 6-1-1303 (9).</p>	<p>(5) "Consent means a clear, affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement...<b>the following does not constitute consent:.....(c) agreement obtained through dark patterns.</b>" § 6-1-1303 (5)(C).</p>
<p><i>Connecticut Data Privacy Act (CDPA)</i></p> <p><i>Public Act No. 22-15</i></p>	<p>Enacted June 17, 2022, takes effect July 1, 2023</p>	<p>Applies to businesses that do businesses in Connecticut or that make products and services targeted at Connecticut residents and that, in the prior calendar year: (1) controlled or processed the data of 100,000+ consumers or (2) controlled or processed the personal data of 25,000+ consumers and made more than 25% of their gross revenue from selling personal data. §2.</p>	<p>"<b>Dark pattern</b>" (A) means a user interface designed or manipulated <b>with the substantial effect of subverting or impairing user autonomy, decision-making or choice,</b> and (B) includes, but is not limited to, <b>any practice the Federal Trade Commission refers to as a "dark pattern."</b> §1(11).</p>	<p>"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed and unambiguous agreement..."<b>[c]onsent" does not include</b> (A) acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, (B) hovering over, muting, pausing or closing a given piece of content, or (C) <b>agreement obtained through the use of dark patterns.</b> §1(6).</p>