



THE STATE CHAMBER



The State Chamber has been tackling data privacy legislation in Oklahoma for the last 5 years. Initial drafts filed were burdensome, regulatory heavy and lacked cohesion to other states passing similar data collection laws. Through an internal working group and member feedback, we determined pretty early on that an 'Oklahoma-only' model would further add to a state-by-state patchwork across the country and opposed many of the earlier versions.

**Fast forward to 2026, with input from the business community, SB 546 does not add to the patchwork because it leans on the state of Virginia's model of a comprehensive data privacy bill.** The bill's authors, Sen. Brent Howard and Rep. Josh West, worked with stakeholders, including The State Chamber, to come to an agreement on language that works for the business community.

## What's in SB 546

**Specifically, The State Chamber advocated for the following provisions in the bill:**

**Opt-Out:** Section 2 paragraph 5 of SB 546 has an opt-out for data processing for targeted ads, data sales or profiling. This is important to maintain an unencumbered user experience and make the compliance structure less burdensome.

**Applicability:** Section 15 of SB 546 mirrors Virginia by setting compliance thresholds at reasonable levels to capture those who are selling large amounts of data, but it doesn't sweep in smaller businesses who do not sell data.

**Notice & Cure Period for Violations:** Section 13 of SB 546 provides that businesses be given notice of violations and a proper time period to correct their errors before they are at risk of enforcement violations or a lawsuit, allowing reasonable time to correct and mitigate the violation. Providing this is standard procedure and would cut down on compliance costs and litigation.

**No Private Right of Action (PRA):** Section 12 of SB 546 gives the Attorney General exclusive authority to enforce the law and does not include a PRA. PRAs only create a more litigious system, which backs up the court systems, allows the plaintiff's bar to take advantage of the opportunity to sue and requires big payoffs by businesses. PRAs also create a patchwork of interpretations across the various levels of the court system, enhancing the issues with varying state level law.

**Consumer Rights:** The bill includes consumer rights of accessibility, portability, correction, and deletion. It also requires requests from the consumer to be completed within 45 days after proper authentication of the consumer. Businesses will need to create a process for complying with consumer requests.

**Applicability:** Businesses covered under SB 546 include **businesses in the Oklahoma that produce a product or service targeted to Oklahomans and within a year either controls or processes data of 100,000 consumers or more OR controls or processes data of 25,000 consumers and generates 50% of its revenue from the sale of data.** The bill exempts those businesses who

**comply with federal privacy laws specific to their industry.** This includes: financial institutions, entities complying with HIPPA, nonprofit organizations, higher-ed institutions, and businesses using data for the purposes under the Controlled Substances Act. Additionally, a business that complies with the federal Children’s Online Privacy Protection Act of 1998 is considered in compliance with the act. \

## **Compliance & Enforcement**

**What covered businesses need to do to comply with SB 546:**

**Personal data access: Businesses need to create a process for requests from consumers for their data.** Because the bill allows for accessibility, portability, correction and deletion of their data, businesses must create two methods (section 6 paragraph A) by which the consumer can request these actions regarding their data.

**Data minimization standards: Businesses must limit data collection to only what is “adequate, relevant, and reasonably necessary” to the purpose of collecting the data.** (Section 7 paragraph A(1)) Practically speaking, businesses will need to ensure that the types of data collected must tailored closely to the need for the data.

**Consumer protections: Businesses will need to have a privacy notice.** The notice must include what data is collected and why, how to exercise rights related to the data. If the business shares personal data, the notice must disclose what types and the categories of the third parties the data is shared.

**Provide clear notice of opt out if the business collects data to be sold.**

**Closes compliance loopholes:** Businesses that contract with a third party to process collected data must **adhere to specific contract requirements in the bill.** These provisions include, but are not limited to, ensuring a data protection assessment is conducted to ensure adequate protection surrounding the data.

**Enforcement:** Under SB 546, **the Attorney General has the right to enforce. There is no private right of action** by a harmed consumer. Businesses have 30 days after a notification from the AG of a violation to cure the violation. If not cured the business may face a fine of \$7,500 for each violation.

**Exempted Data:** There are 17 categories of various types of data exempted from the act. See section 16.

**Effective January 1, 2027.**

**Questions about SB 546? Contact Amanda Hall or Brittnee Preston.**

**AMANDA HALL**  
Policy & Research Director  
[amanda@okstatechamber.com](mailto:amanda@okstatechamber.com)

**BRITTNEE PRESTON**  
Oklahoma Technology Alliance Director  
[brittnee@okstatechamber.com](mailto:brittnee@okstatechamber.com)

**DISCLAIMER:** THIS DOCUMENT IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO CONSTITUTE LEGAL ADVICE. THE STATE CHAMBER IS NOT ACTING AS LEGAL COUNSEL FOR ANY MEMBER OR THIRD PARTY. READERS SHOULD NOT RELY ON THIS SUMMARY AS A SUBSTITUTE FOR LEGAL ADVICE AND ARE ENCOURAGED TO CONSULT WITH THEIR OWN ATTORNEY TO UNDERSTAND HOW SB 546 MAY APPLY TO THEIR SPECIFIC CIRCUMSTANCES.