

January 16, 2026

Representative Michael Marcotte, Chair
House Committee on Commerce
and Economic Development
106 Private Pond Rd.
Newport, VT 05855

Representative Edye Graning, Vice Chair
House Committee on Commerce
and Economic Development
115 State St.
Montpelier, VT 05633

Representative Monique Priestley
115 State St.
Montpelier, VT 05633

RE: Letter in Opposition to Vermont H. 211

Dear Chair Marcotte, Vice Chair Graning, and Representative Priestley:

On behalf of the advertising industry, we write to oppose Vermont H. 211.¹ We provide this letter to offer our non-exhaustive list of concerns about this bill. H. 211 would expand Vermont's existing data broker registration law in ways that are duplicative of existing law and are unnecessary. Accordingly, we ask you to decline to advance the bill as drafted out of the House Committee on Commerce and Economic Development ("Committee").

As the nation's leading advertising and marketing trade associations, we collectively represent thousands of companies across the country. These companies range from small businesses to household brands, advertising agencies, and technology providers. Our combined membership includes more than 2,000 companies that power the commercial Internet, which accounted for nearly 20 percent of total U.S. gross domestic product ("GDP") in 2024.² By one estimate, approximately 18.2% of Vermont jobs in 2024 were related to the ad-subsidized Internet, a share projected to increase to 20% by 2029.³ Our group has more than a decade's worth of hands-on experience it can bring to bear on matters related to consumer privacy and controls. We would welcome the opportunity to engage with the Committee further on the points we discuss in this letter.

I. H. 211 Would Broaden the Scope of "Data Broker" Under Existing State Law

Vermont law defines a data broker as a business that "knowingly collects and sells or licenses to third parties the brokered personal information of a consumer with whom the business does not have a direct relationship."⁴ H. 211's proposed amendment includes a definition of "direct relationship" that would unreasonably broaden the scope of businesses treated as data

¹ Vermont H. 211 (2026 Session), located [here](#) (hereinafter, "H. 211") and the amendment under consideration [here](#) (hereinafter, "H. 211 Amendment").

² S&P Global, THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY, 2024-2029 at 4 (Aug. 2025), located at https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf.

³ *Id.* at 15-16.

⁴ 9 V.S.A. § 2430(4).

brokers, departing from both the existing law's definition and the Legislature's clear intent to regulate businesses whose core activity is the sale or licensing of personal data about consumers with whom they lack a meaningful relationship.⁵ By importing a California-style interpretation, the proposed amendment to H. 211 risks collapsing the distinction between data brokers and ordinary businesses that interact directly with consumers in limited or ancillary ways.⁶ For instance, this approach would sweep in companies that collect data incidentally to providing a product or service, even where consumers knowingly and intentionally engage with those companies. Such a result would diminish the utility of the data broker registry to Vermonters, as the registry would no longer clearly identify "data brokers" with whom a consumer does not intentionally interact. The registry would instead amount to a list of practically *all companies* that do business in Vermont. The Committee should not amend existing law in a manner that captures entities that have direct, first-party relationships with consumers.

II. H. 211 Would Create Enormous and Costly New Responsibilities for Vermont

H. 211 would also incorporate a California "Delete Act"-style "accessible deletion mechanism" into Vermont's data broker regime, which would be premature and risk imposing substantial costs and operational burdens on the state without the benefit of real-world experience. Requiring Vermont to stand up and administer a similar centralized deletion mechanism by the bill's July 1, 2026 effective date would saddle the Secretary of State with a complex, resource-intensive mandate before any state has demonstrated that such a system can operate effectively, securely, or cost-efficiently. Until California's approach is fully implemented and evaluated, Vermont should avoid embedding an unproven model into its data broker framework, especially one that could impose significant fiscal burdens and introduce new data security risks for the state.

III. H. 211 Should be Harmonized with Existing State Privacy Laws

The definition of "publicly available information" in H. 211 departs in significant ways from the approach taken in other comprehensive state privacy laws, creating potential for inconsistency and legal uncertainty. In particular, the exclusion of information that is collated or combined to create a consumer profile, information made available for sale, and inferences derived from such information is not typical and risks sweeping broadly beyond the commonly understood scope of publicly available data.⁷ Most state laws focus on whether information is lawfully made available to the general public from widely accessible sources, rather than carving out exclusions of such information based on downstream use, sales, or inferences generated from the information. By harmonizing Vermont's definition with existing state privacy laws, the Committee would promote regulatory consistency, reduce compliance complexity for businesses operating across jurisdictions, and ensure that Vermont's law aligns with established privacy norms without undermining consumer protections.

⁵ H. 211 Amendment, § 2430 (6)(B).

⁶ See Cal. Code Regs. tit. 11, § 7601(d)

⁷ H. 211 Amendment, § 2430 (16)(B).



Compliance costs associated with divergent privacy laws are significant. To make the point: a regulatory impact assessment of the California Consumer Privacy Act of 2018 concluded that the initial compliance costs to California firms would be \$55 billion.⁸ Another recent study found that a consumer data privacy proposal in a different state considering privacy legislation would have generated a direct initial compliance cost of \$6.2 billion to \$21 billion and ongoing annual compliance costs of \$4.6 billion to \$12.7 billion for the state.⁹ Other studies confirm the staggering costs associated with varying state privacy standards. One report found that state privacy laws could impose out-of-state costs of between \$98 billion and \$112 billion annually, with costs exceeding \$1 trillion dollars over a 10-year period, and with small businesses shouldering a significant portion of the compliance cost burden.¹⁰ Harmonization with existing privacy laws is essential to create an environment where consumers in Vermont have privacy protections that are consistent with those in other states, while minimizing unnecessary compliance costs for businesses. Vermont should not add to this compliance bill for businesses and should instead opt for an approach to data privacy that is in harmony with already existing state privacy laws.

* * *

We and our members strongly support meaningful privacy protections for consumers. We believe, however, that H. 211 will not further meaningful consumer protections in Vermont. We therefore respectfully ask the Committee to decline to advance H. 211 as proposed. We would welcome the opportunity to engage further and work with you to craft amendments to the existing Vermont data broker law that benefits Vermont consumers and businesses alike.

⁸ See State of California Department of Justice Office of the Attorney General, *Standardized Regulatory Impact Assessment: California Consumer Privacy Act of 2018 Regulations*, 11 (Aug. 2019), located at https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Economics/Documents/CCPA_Regulations-SRIA-DOF.pdf.

⁹ See Florida Tax Watch, *Who Knows What? An Independent Analysis of the Potential Effects of Consumer Data Privacy Legislation in Florida*, 2 (Oct. 2021), located at <https://floridataxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=34407&articleid=19090&documentid=986>.

¹⁰ Daniel Castro, Luke Dascoli, and Gillian Diebold, *The Looming Cost of a Patchwork of State Privacy Laws* (Jan. 24, 2022), located at <https://itif.org/publications/2022/01/24/looming-cost-patchwork-state-privacy-laws> (finding that small businesses would bear approximately \$20-23 billion of the out-of-state cost burden associated with state privacy law compliance annually).



Thank you in advance for your consideration of this letter.

Sincerely,

Christopher Oswald
EVP for Law, Ethics & Govt. Relations
Association of National Advertisers
202-296-1883

Clark Rector
Executive VP–Government Affairs
American Advertising Federation
202-898-0089

Alison Pepper
EVP, Government Relations & Sustainability
American Association of Advertising Agencies, 4As
202-355-4564

Lou Mastria
CEO
Digital Advertising Alliance
347-770-0322

CC: Members of the Vermont House Committee on Commerce and Economic Development

Mike Signorelli, Venable LLP
Allie Monticollo, Venable LLP
Matthew Stern, Venable LLP