

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred House Bill No. 211 entitled “An act relating to data brokers  
4 and personal information” respectfully reports that it has considered the same  
5 and recommends that the Senate propose to the House that the bill be amended  
6 as follows:

7 First: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 1, in section 2430, by  
8 striking out subdivision (16)(B) in its entirety and inserting in lieu thereof a  
9 new subdivision (16)(B) to read as follows:

10 (16)(B) “Publicly available information” does not include:

11 (i) biometric data collected by a business about a consumer  
12 without the consumer’s knowledge;

13 (ii) any obscene visual depiction, as defined in 18 U.S.C. § 1460;

14 (iii) genetic data, unless otherwise made publicly available by the  
15 consumer to whom the information pertains; or

16 (iv) intimate images, authentic or computer-generated, known to  
17 be nonconsensual.

18 Second: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in  
19 subdivision (a)(4), by striking out subdivision (A) in its entirety and inserting  
20 in lieu thereof a new subdivision (A) to read as follows:

1           (A) the name and primary physical, ~~e-mail, and Internet addresses~~  
2           email, and internet addresses and phone number of the data broker;

3           Third: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in  
4           subdivision (a)(4)(E), by striking out subdivision (ii) in its entirety and  
5           inserting in lieu thereof a new subdivision (ii) to read as follows:

6                       (ii) in the past year, has shared consumers’ data with or sold  
7           consumers’ data to:

8                               (I) a foreign actor;

9                               (II) the federal government;

10                              (III) other state or local governments;

11                              (IV) law enforcement, unless the data was shared pursuant to a  
12           subpoena or other court order; or

13                              (V) a developer of a GenAI system or model;

14           Fourth: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in  
15           subdivision (a)(4)(I)(i), by striking out “pursuant to subsection (c) of this  
16           section” and inserting in lieu thereof “if the data broker permits deletion”

17           Fifth: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, by  
18           striking out subsection (c) in its entirety and by relettering the remaining  
19           subsections to be alphabetically correct.



- 1           (1) the Chief Information Officer, who shall serve as the Chair or
- 2           appoint a designee from the Council to serve as the Chair;
- 3           (2) the Chief Information Security Officer;
- 4           (3) a representative from a distribution or transmission utility, appointed
- 5           by the Commissioner of Public Service;
- 6           (4) a representative from a State municipal water system, appointed by
- 7           the Secretary of Natural Resources;
- 8           (5) a representative from a Vermont hospital, appointed by the President
- 9           of the Vermont Association of Hospitals and Health Systems;
- 10          (6) a person representing a Vermont business related to an essential
- 11          supply chain, appointed by the Chair of the Vermont Business Roundtable;
- 12          (7) the Director of Vermont Emergency Management or designee;
- 13          (8) the Governor’s Homeland Security Advisor or designee;
- 14          (9) the Vermont Adjutant General or designee;
- 15          (10) the Attorney General or designee; ~~and~~
- 16          (11) the President of Vermont Information Technology Leaders or
- 17          designee;
- 18          (12) the Chair of the House Committee on Energy and Digital
- 19          Infrastructure;
- 20          (13) the Chair of the Senate Committee on Institutions; and



1 enter into assurances of discontinuance, and bring civil actions as provided  
2 under chapter 63, subchapter 1 of this title.

3 Subchapter 3B. Educational Technology

4 § 2444a. REGISTRATION

5 (a) Definitions. As used in this section:

6 (1) “Educational technology product” and “product” mean any software,  
7 application, or platform that may collect, process, or transmit student data and  
8 that is used for teaching and learning purposes in a school in Vermont.

9 (2) “Filing” means an initial registration, amendment, periodic report, or  
10 other filing with the Secretary of State as the Secretary may require.

11 (3) “Provider of an educational technology product” and “provider”  
12 mean a person that provides an educational technology product that is in use at  
13 a school.

14 (4) “School” means a public school or an independent school approved  
15 pursuant to 16 V.S.A. § 166 and includes school districts.

16 (5) “School district” has the same meaning as in 16 V.S.A. § 11(a).

17 (b) Mandatory data reporting. In addition to all other requirements of a  
18 person registering with the Secretary of State pursuant to State law, a person  
19 doing business in this State as a provider of an educational technology product  
20 shall, at the time of a filing, provide the following:



1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Senator \_\_\_\_\_

4

FOR THE COMMITTEE