



MEMORANDUM

TO: Members of the Committee on Finance, Insurance & Consumer Protection

FROM: Wendy Block, Michigan Chamber
Brian Shoaf, Detroit Regional Chamber
Josh Lurger, Grand Rapids Chamber
David Worthams, Michigan Manufacturers Association
Andrew Beardsless, Michigan Retailers Association
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SUBJECT: Business Groups Oppose SB 359

This memorandum is to voice our collective **opposition to Senate Bill 359**, the proposed "Personal Data Privacy Act" (Act), due to its broad-reaching and patchwork approach.

In a digitally driven marketplace, Michigan businesses and nonprofits rely on basic consumer data to engage with and retain customers in an efficient and cost-effective way. Any new privacy legislation should ensure Michigan businesses can continue to responsibly utilize data-driven approaches, such as email marketing, targeted advertising and customer retention efforts including loyalty programs, without imposing undue restrictions that hinder the ability to thrive in the 21st-century economy.

While the legislation (and most recent substitute) is certainly well-intentioned, SB 359 continues to miss the mark and would significantly impact how consumers and businesses interact online in Michigan.

We believe there is a path forward on this legislation, but it must be focused on not only creating opportunities for consumers to protect their data but also allowing businesses to responsibly control and process consumer data.

Rather than reinventing the wheel or cherry-picking provisions from other state laws and bills that failed in other states (as SB 359 currently does), Michigan should follow the lead of states like Texas, Colorado, Indiana, and Virginia and their "Consensus Privacy Approach." This framework gives consumers the right to delete, access and correct data as well as opt out of targeted advertising, sales, and certain automated profiling. The approach these states have taken strikes the right balance in empowering citizens to protect their privacy while fostering innovation without creating an open door to litigation.

Although we believe this bill needs further conversation and work, we remain hopeful that we can get to a point where we are neutral. Thank you for your consideration. Please let any of us know if you have any questions.