

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 14, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1130 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 4, line 2, after "RECEIVE," insert "CAPTURE,".
- 2 Page 4, line 3, before "BIOMETRIC DATA" insert "BIOMETRIC IDENTIFIER
- 3 OR".
- 4 Page 4, line 5, before "BIOMETRIC DATA" insert "BIOMETRIC IDENTIFIERS
- 5 OR".
- 6 Page 4, lines 12 and 13, strike "IN POSSESSION OF" and substitute "THAT
- 7 CONTROLS OR PROCESSES".
- 8 Page 4, line 18, before "BIOMETRIC DATA" insert "BIOMETRIC IDENTIFIERS
- 9 OR".
- 10 Page 4, line 19, before "BIOMETRIC DATA" insert "BIOMETRIC IDENTIFIER
- 11 OR".
- 12 Page 5, line 1, strike "THIRTY" and substitute "FORTY-FIVE".
- 13 Page 6, line 23, strike "COLLECTS" and substitute "PROCESSES".
- 14 Page 7, strike lines 12 through 15 and substitute "IS TO A PROCESSOR AND
- 15 IS NECESSARY FOR THE PURPOSE FOR WHICH THE BIOMETRIC IDENTIFIER
- 16 WAS COLLECTED AND TO WHICH THE CONSUMER OR THE CONSUMER'S
- 17 LEGALLY AUTHORIZED REPRESENTATIVE CONSENTED;".
- 18 Page 7, line 26, strike "CONSUMER" and substitute "CONSUMER, BASED ON
- 19 THE CONSUMER'S REFUSAL TO CONSENT TO THE CONTROLLER'S

1 COLLECTION, USE, DISCLOSURE, TRANSFER, SALE, RETENTION, OR  
2 PROCESSING OF A BIOMETRIC IDENTIFIER,".

3 Page 8, line 4, strike the second "OR".

4 Page 8, strike line 8 and substitute "PART 13; OR  
5 (III) PURCHASE A BIOMETRIC IDENTIFIER UNLESS THE CONTROLLER  
6 PAYS THE CONSUMER FOR THE COLLECTION OF THE CONSUMER'S  
7 BIOMETRIC IDENTIFIER, THE PURCHASE IS UNRELATED TO THE PROVISION  
8 OF A PRODUCT OR SERVICE TO THE CONSUMER, AND THE CONTROLLER HAS  
9 OBTAINED CONSENT AS DESCRIBED IN SUBSECTION (3)(a) OF THIS  
10 SECTION.".

11 Page 8, line 10, strike "DATA" and substitute "IDENTIFIERS".

12 Page 8, line 13, strike "DATA" and substitute "IDENTIFIERS".

13 Page 8, line 27, before "CONSUMER'S" insert "CATEGORY OR DESCRIPTION  
14 OF THE".

15 Page 10, line 19, after "**employers.**" insert "(a)".

16 Page 10, line 21, strike "USE" and substitute "PROCESS".

17 Page 10, line 24, strike "(a)" and substitute "(I)".

18 Page 11, line 4, strike "(b)" and substitute "(II)".

19 Page 11, after line 6 insert:

20 "(b) AN EMPLOYER MAY COLLECT AND PROCESS AN EMPLOYEE'S  
21 OR PROSPECTIVE EMPLOYEE'S BIOMETRIC IDENTIFIER FOR USES OTHER  
22 THAN THOSE DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION ONLY  
23 WITH THE EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S CONSENT. AN  
24 EMPLOYER MAY NOT REQUIRE THAT AN EMPLOYEE OR PROSPECTIVE  
25 EMPLOYEE CONSENT TO SUCH COLLECTION OR PROCESSING AS A  
26 CONDITION OF EMPLOYMENT OR RETALIATE AGAINST AN EMPLOYEE OR  
27 PROSPECTIVE EMPLOYEE WHO DOES NOT CONSENT TO SUCH COLLECTION  
28 OR PROCESSING.

29 (c) SO LONG AS CONSENT THAT IS OBTAINED FOR COLLECTION AND  
30 PROCESSING AS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION  
31 SATISFIES THE DEFINITION OF CONSENT PROVIDED IN SECTION 6-1-1303 (5),  
32 CONSENT IS CONSIDERED TO BE FREELY GIVEN AND VALID FOR THE LIMITED

- 1 PURPOSES DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION."
- 2 Page 11, line 11, before "BIOMETRIC DATA" insert "BIOMETRIC  
3 IDENTIFIERS AND".
- 4 Page 11, line 22, after "(2.4)" insert "(a)".
- 5 Page 11, line 27, strike "(a)" and substitute "(I)".
- 6 Page 12, line 1, strike "(b)" and substitute "(II)".
- 7 Page 12, line 2, strike "(c)" and substitute "(III)".
- 8 Page 12, line 3, strike "(d)" and substitute "(IV)".
- 9 Page 12, line 4, strike "(e)" and substitute "(V)".

10 Page 12, after line 5 insert:

- 11 "(b) "BIOMETRIC DATA" DOES NOT INCLUDE THE FOLLOWING TYPES  
12 OF DATA UNLESS THE DATA ARE USED FOR IDENTIFICATION PURPOSES:  
13 (I) A DIGITAL OR PHYSICAL PHOTOGRAPH;  
14 (II) AN AUDIO OR VOICE RECORDING; OR  
15 (III) ANY DATA GENERATED FROM A DIGIT."

16 Page 12, strike lines 19 through 21 and substitute:

- 17 "(b) CONTROLS OR PROCESSES ANY AMOUNT OF BIOMETRIC  
18 IDENTIFIERS OR BIOMETRIC DATA REGARDLESS OF THE AMOUNT OF  
19 BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA CONTROLLED OR PROCESSED  
20 ANNUALLY; EXCEPT THAT A CONTROLLER THAT MEETS THE  
21 QUALIFICATIONS OF THIS SUBSECTION (1)(b) BUT DOES NOT MEET THE  
22 QUALIFICATIONS OF SUBSECTION (1)(a) OF THIS SECTION SHALL COMPLY  
23 WITH THIS PART 13 ONLY FOR THE PURPOSES OF A BIOMETRIC IDENTIFIER  
24 OR BIOMETRIC DATA THAT THE CONTROLLER COLLECTS AND PROCESSES."

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