

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0534.01 Richard Sweetman x4333

HOUSE BILL 24-1130

HOUSE SPONSORSHIP

Daugherty and Lynch,

SENATE SPONSORSHIP

Lundeen and Hansen,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTING THE PRIVACY OF AN INDIVIDUAL'S
102 BIOMETRIC DATA.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the "Colorado Privacy Act" to add protections for an individual's biometric data by requiring a person that, alone or jointly with others, determines the purposes for and means of processing biometric data (controller) to adopt a written policy that:

- Establishes a retention schedule for biometric identifiers;
- Includes a protocol for responding to a breach of security

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- of biometric data; and
- Includes guidelines that require the permanent destruction of a biometric identifier by the earliest of certain dates.

The bill also:

- Prohibits a controller from collecting a biometric identifier unless the controller first satisfies certain disclosure and consent requirements;
- Specifies certain prohibited acts and requirements for controllers that collect and use biometric data;
- Requires a controller to allow a consumer to access and update a biometric identifier;
- Restricts an employer's permissible reasons for obtaining an employee's consent for the collection of biometric identifiers; and
- Authorizes the attorney general to promulgate rules to implement the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Businesses increasingly use biometric identifiers to attempt to
5 verify customer identities, streamline transactions, control access to
6 secure areas, and maximize revenues;

7 (b) Biometric identifiers are unlike other unique identifiers that
8 are used to verify identity or to access finances or other sensitive
9 information because, unlike social security numbers, for example,
10 biometric identifiers cannot be changed; they are unique to an individual,
11 and once an individual's biometric identifiers are compromised, the
12 individual has no recourse, is at heightened risk for identity theft, and
13 may no longer feel safe participating in biometric-facilitated transactions;

14 (c) The public has grown wary of the use of biometric identifiers
15 due to recent data breaches that have exposed many individuals' biometric
16 identifiers, leaving those individuals vulnerable to harm; and

1 (d) Biometric identifiers can be collected without an individual's
2 knowledge, applied instantaneously to identify the individual in
3 circumstances where the individual has an expectation of privacy and
4 anonymity, and used to identify and track the individual's movements,
5 activities, and associations.

6 (2) The general assembly further finds that:

7 (a) One increasingly prevalent biometric collection and matching
8 technology, facial recognition technology, has been shown to have higher
9 rates of misidentification and misclassification when it is used on faces
10 of color, of women, of children, of the elderly, and of transgender and
11 nonbinary persons; and

12 (b) This misidentification and misclassification has led to
13 documented cases of businesses refusing admission or service to
14 individuals because facial recognition systems incorrectly "matched" the
15 individuals to photos of suspected shoplifters or other individuals who
16 had been barred from the premises.

17 (3) Therefore, the general assembly declares that the public
18 welfare, security, and safety will be served by regulating the collection,
19 use, safeguarding, handling, storage, retention, and destruction of
20 biometric identifiers.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-1314 as
22 follows:

23 **6-1-1314. Biometric data and biometric identifiers -**
24 **controllers - duties and requirements - written policy - prohibited**
25 **acts - right to correct biometric identifiers - right to access biometric**
26 **identifiers - remedies and civil actions - definitions. (1) AS USED IN**
27 **THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

1 (a) "COLLECT", "COLLECTION", OR "COLLECTING" MEANS TO
2 ACCESS, ASSEMBLE, BUY, RENT, GATHER, PROCURE, RECEIVE, OR
3 OTHERWISE OBTAIN ANY BIOMETRIC DATA PERTAINING TO A CONSUMER BY
4 ANY MEANS, ONLINE OR OFFLINE, INCLUDING:

5 (I) ACTIVELY OR PASSIVELY RECEIVING BIOMETRIC DATA FROM
6 THE CONSUMER OR FROM A THIRD PARTY; AND

7 (II) OBTAINING BIOMETRIC DATA BY OBSERVING THE CONSUMER'S
8 BEHAVIOR.

9 (b) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED
10 FULL-TIME, PART-TIME, OR ON-CALL OR WHO IS HIRED AS A CONTRACTOR,
11 SUBCONTRACTOR, INTERN, OR FELLOW.

12 (2) **Written policy required.** (a) A CONTROLLER IN POSSESSION
13 OF ONE OR MORE BIOMETRIC IDENTIFIERS SHALL ADOPT A WRITTEN POLICY
14 THAT:

15 (I) ESTABLISHES A RETENTION SCHEDULE FOR BIOMETRIC
16 IDENTIFIERS;

17 (II) INCLUDES A PROTOCOL FOR RESPONDING TO A BREACH OF
18 SECURITY OF BIOMETRIC DATA, INCLUDING A PROCESS FOR NOTIFYING A
19 CONSUMER WHEN THE SECURITY OF THE CONSUMER'S BIOMETRIC DATA
20 HAS BEEN BREACHED; AND

21 (III) INCLUDES GUIDELINES THAT REQUIRE THE PERMANENT
22 DESTRUCTION OF A BIOMETRIC IDENTIFIER ON OR BEFORE THE EARLIEST OF
23 THE FOLLOWING DATES:

24 (A) THE DATE UPON WHICH THE INITIAL PURPOSE FOR COLLECTING
25 THE BIOMETRIC IDENTIFIER HAS BEEN SATISFIED;

26 (B) ONE YEAR AFTER THE CONSUMER INTERACTED WITH THE
27 CONTROLLER; OR

1 (C) NO MORE THAN THIRTY DAYS AFTER RECEIVING A VERIFIED
2 REQUEST TO DELETE THE BIOMETRIC IDENTIFIER.

3 (b) A CONTROLLER SHALL COMPLY WITH ITS POLICY ADOPTED
4 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION UNLESS OTHERWISE
5 DIRECTED BY:

6 (I) A WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION
7 FOR A SPECIFIC CONSUMER OR CONTROLLER UNDER INVESTIGATION OR
8 FORMALLY CHARGED WITH A CRIME; OR

9 (II) A COMPULSORY REQUEST OR DEMAND ISSUED BY A STATE
10 AGENCY OR A DISTRICT ATTORNEY PURSUANT TO AN INVESTIGATION OF A
11 VIOLATION OF THIS PART 13.

12 (c) A CONTROLLER SHALL MAKE ITS POLICY ADOPTED PURSUANT
13 TO SUBSECTION (2)(a) OF THIS SECTION AVAILABLE TO THE PUBLIC;
14 EXCEPT THAT A CONTROLLER IS NOT REQUIRED TO MAKE AVAILABLE TO
15 THE PUBLIC A WRITTEN POLICY THAT:

16 (I) APPLIES ONLY TO CURRENT EMPLOYEES OF THE CONTROLLER;
17 AND

18 (II) IS USED SOLELY BY EMPLOYEES AND AGENTS OF THE
19 CONTROLLER FOR THE OPERATION OF THE CONTROLLER.

20 (3) **Collection and retention of biometric identifiers -**
21 **requirements - prohibited acts.** (a) A CONTROLLER SHALL NOT COLLECT
22 OR PROCESS A BIOMETRIC IDENTIFIER OF A CONSUMER UNLESS THE
23 CONTROLLER FIRST:

24 (I) SATISFIES ALL DUTIES REQUIRED BY SECTION 6-1-1308;

25 (II) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY
26 AUTHORIZED REPRESENTATIVE IN WRITING THAT A BIOMETRIC IDENTIFIER
27 IS BEING COLLECTED;

1 (III) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY
2 AUTHORIZED REPRESENTATIVE IN WRITING OF THE SPECIFIC PURPOSE FOR
3 WHICH A BIOMETRIC IDENTIFIER IS BEING COLLECTED AND THE LENGTH OF
4 TIME THAT THE CONTROLLER WILL RETAIN THE BIOMETRIC IDENTIFIER;

5 (IV) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY
6 AUTHORIZED REPRESENTATIVE IN WRITING OF THE BUSINESS NAME OF ANY
7 PROCESSOR TO WHICH THE BIOMETRIC IDENTIFIER WILL BE DISCLOSED,
8 REDISCLOSED, OR OTHERWISE DISSEMINATED; THE SPECIFIC PURPOSE FOR
9 WHICH THE BIOMETRIC IDENTIFIER IS BEING SHARED WITH A PROCESSOR;
10 AND THE LENGTH OF TIME THAT A PROCESSOR WILL RETAIN THE BIOMETRIC
11 IDENTIFIER; AND

12 (V) OBTAINS THE CONSUMER'S CONSENT OR, IN THE CASE OF THE
13 BIOMETRIC IDENTIFIER OF A KNOWN CHILD, OBTAINS CONSENT FROM THE
14 CHILD'S PARENT OR LAWFUL GUARDIAN, AS REQUIRED BY SECTION
15 6-1-1308 (7).

16 (b) A PROCESSOR SHALL SATISFY ALL THE DUTIES DESCRIBED IN
17 THIS SUBSECTION (3); EXCEPT THAT A PROCESSOR IS NOT REQUIRED TO
18 OBTAIN CONSENT DIRECTLY FROM A CONSUMER OR THE CONSUMER'S
19 LEGALLY AUTHORIZED REPRESENTATIVE IF THE CONTROLLER HAS
20 ACQUIRED SUCH CONSENT AND HAS DISCLOSED TO THE CONSUMER OR THE
21 CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE THE INFORMATION
22 DESCRIBED IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION.

23 (c) A CONTROLLER THAT COLLECTS A CONSUMER'S BIOMETRIC
24 IDENTIFIER SHALL NOT:

25 (I) SELL, LEASE, OR TRADE THE BIOMETRIC IDENTIFIER WITH ANY
26 ENTITY;

27 (II) PERMIT ANY ENTITY TO WHICH THE BIOMETRIC IDENTIFIER IS

1 TRANSFERRED TO SELL, LEASE, OR TRADE THE BIOMETRIC IDENTIFIER; OR

2 (III) DISCLOSE, REDISCLOSE, OR OTHERWISE DISSEMINATE THE
3 BIOMETRIC IDENTIFIER UNLESS:

4 (A) THE CONSUMER OR THE CONSUMER'S LEGALLY AUTHORIZED
5 REPRESENTATIVE CONSENTS TO THE DISCLOSURE, REDISCLOSURE, OR
6 OTHER DISSEMINATION;

7 (B) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION
8 IS REQUESTED OR AUTHORIZED BY THE CONSUMER OR THE CONSUMER'S
9 LEGALLY AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF
10 COMPLETING A FINANCIAL TRANSACTION;

11 (C) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION
12 IS REQUESTED OR AUTHORIZED BY THE CONSUMER OR THE CONSUMER'S
13 LEGALLY AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF PROCESSING
14 BY AN EXTERNAL PARTY, WHICH PROCESSING IS NECESSARY FOR THE
15 PURPOSE FOR WHICH THE BIOMETRIC IDENTIFIER WAS COLLECTED;

16 (D) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION
17 IS REQUIRED BY STATE OR FEDERAL LAW; OR

18 (E) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION
19 IS REQUIRED PURSUANT TO A WARRANT ISSUED BY A COURT OF
20 COMPETENT JURISDICTION FOR A CONSUMER OR CONTROLLER UNDER
21 INVESTIGATION OR FORMALLY CHARGED WITH A CRIME OR PURSUANT TO
22 A COMPULSORY REQUEST OR DEMAND ISSUED BY A STATE AGENCY OR A
23 DISTRICT ATTORNEY PURSUANT TO AN INVESTIGATION OF A VIOLATION OF
24 THIS PART 13.

25 (d) A CONTROLLER SHALL NOT:

26 (I) REFUSE TO PROVIDE A GOOD OR SERVICE TO A CONSUMER
27 UNLESS THE CONSUMER CONSENTS TO ALLOW THE CONTROLLER TO

1 COLLECT, USE, DISCLOSE, TRANSFER, SELL, RETAIN, OR PROCESS A
2 BIOMETRIC IDENTIFIER UNLESS THE COLLECTION, USE, DISCLOSURE,
3 TRANSFER, SALE, RETENTION, OR PROCESSING OF THE BIOMETRIC
4 IDENTIFIER IS NECESSARY TO PROVIDE THE GOOD OR SERVICE; OR

5 (II) CHARGE A DIFFERENT PRICE OR RATE FOR A GOOD OR SERVICE
6 OR PROVIDE A DIFFERENT LEVEL OF QUALITY OF A GOOD OR SERVICE TO
7 ANY CONSUMER WHO EXERCISES THE CONSUMER'S RIGHTS UNDER THIS
8 PART 13.

9 (e) A CONTROLLER SHALL STORE, TRANSMIT, AND PROTECT FROM
10 DISCLOSURE ALL BIOMETRIC DATA USING THE REASONABLE STANDARD OF
11 CARE WITHIN THE CONTROLLER'S INDUSTRY. IF NO SUCH STANDARD
12 EXISTS, A CONTROLLER SHALL STORE, TRANSMIT, AND PROTECT FROM
13 DISCLOSURE ALL BIOMETRIC DATA IN A MANNER THAT IS EQUAL TO OR
14 MORE PROTECTIVE THAN THE MANNER IN WHICH THE CONTROLLER
15 STORES, TRANSMITS, AND PROTECTS OTHER CONFIDENTIAL INFORMATION.

16 (4) **Right to update biometric identifiers.** AT THE REQUEST OF
17 A CONSUMER OR A CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE,
18 A CONTROLLER THAT COLLECTS THE CONSUMER'S BIOMETRIC IDENTIFIER
19 SHALL UPDATE THE BIOMETRIC IDENTIFIER AS REQUESTED BY THE
20 CONSUMER. THE CONTROLLER SHALL COMPLETE THE UPDATE AND DELETE
21 ANY REPLACED DATA WITHIN SIXTY DAYS AFTER RECEIVING THE REQUEST.

22 (5) **Right to access biometric identifiers - applicability -**
23 **definitions.** (a) EXCEPT AS DESCRIBED IN SUBSECTION (5)(b) OF THIS
24 SECTION, AT THE REQUEST OF A CONSUMER OR A CONSUMER'S LEGALLY
25 AUTHORIZED REPRESENTATIVE, A CONTROLLER THAT COLLECTS THE
26 CONSUMER'S BIOMETRIC IDENTIFIER SHALL DISCLOSE TO THE CONSUMER,
27 FREE OF CHARGE, THE CONSUMER'S BIOMETRIC IDENTIFIER AND THE

1 FOLLOWING INFORMATION:

2 (I) THE SOURCE FROM WHICH THE CONTROLLER COLLECTED THE
3 BIOMETRIC IDENTIFIER;

4 (II) THE PURPOSE FOR WHICH THE CONTROLLER USED THE
5 BIOMETRIC IDENTIFIER AND ANY ASSOCIATED PERSONAL DATA;

6 (III) THE IDENTITY OF ANY THIRD PARTY WITH WHICH THE
7 CONTROLLER SHARED OR SHARES THE BIOMETRIC IDENTIFIER AND THE
8 PURPOSES FOR SHARING; AND

9 (IV) THE CATEGORY OR A DESCRIPTION OF THE SPECIFIC
10 BIOMETRIC IDENTIFIERS THAT THE CONTROLLER DISCLOSES TO THIRD
11 PARTIES.

12 (b) THE REQUIREMENTS OF SUBSECTION (5)(a) OF THIS SECTION
13 APPLY ONLY TO:

14 (I) A SOLE PROPRIETORSHIP, A PARTNERSHIP, A LIMITED LIABILITY
15 COMPANY, A CORPORATION, AN ASSOCIATION, OR ANOTHER LEGAL ENTITY
16 THAT:

17 (A) CONDUCTS BUSINESS IN COLORADO OR PRODUCES OR
18 DELIVERS COMMERCIAL PRODUCTS OR SERVICES THAT ARE MARKETED TO
19 COLORADO RESIDENTS;

20 (B) COLLECTS BIOMETRIC IDENTIFIERS OR HAS BIOMETRIC
21 IDENTIFIERS COLLECTED ON ITS BEHALF; AND

22 (C) EITHER COLLECTS OR PROCESSES THE PERSONAL DATA OF ONE
23 HUNDRED THOUSAND INDIVIDUALS OR MORE DURING A CALENDAR YEAR
24 OR COLLECTS AND PROCESSES THE PERSONAL DATA OF TWENTY-FIVE
25 THOUSAND INDIVIDUALS OR MORE AND DERIVES REVENUE FROM, OR
26 RECEIVES A DISCOUNT ON THE PRICE OF GOODS OR SERVICES FROM, THE
27 SALE OF PERSONAL DATA;

1 (II) A CONTROLLER THAT CONTROLS OR IS CONTROLLED BY
2 ANOTHER CONTROLLER AND THAT SHARES COMMON BRANDING WITH THE
3 OTHER CONTROLLER. AS USED IN THIS SUBSECTION (5)(b)(II):

4 (A) "COMMON BRANDING" MEANS A SHARED NAME, SERVICE
5 MARK, OR TRADEMARK THAT A CONSUMER WOULD REASONABLY
6 UNDERSTAND TO INDICATE THAT TWO OR MORE ENTITIES ARE COMMONLY
7 OWNED.

8 (B) "CONTROL" MEANS THE OWNERSHIP OF, CONTROL OF, OR
9 POWER TO VOTE MORE THAN TWENTY-FIVE PERCENT OR MORE OF THE
10 OUTSTANDING SHARES OF ANY CLASS OF VOTING SECURITY OF A
11 CONTROLLER; CONTROL IN ANY MANNER OVER THE ELECTION OF A
12 MAJORITY OF THE DIRECTORS OF A CONTROLLER OR OF INDIVIDUALS
13 EXERCISING SIMILAR FUNCTIONS; OR THE POWER TO EXERCISE, DIRECTLY
14 OR INDIRECTLY, A CONTROLLING INFLUENCE OVER THE MANAGEMENT OF
15 A CONTROLLER.

16 (III) A JOINT VENTURE OR PARTNERSHIP CONSISTING OF NO MORE
17 THAN TWO BUSINESSES THAT SHARE CONSUMERS' PERSONAL DATA WITH
18 EACH OTHER.

19 **(6) Use of consent by employers.** AN EMPLOYER MAY REQUIRE
20 AS A CONDITION OF EMPLOYMENT THAT AN EMPLOYEE OR A PROSPECTIVE
21 EMPLOYEE CONSENT TO ALLOWING THE EMPLOYER TO COLLECT AND USE
22 THE EMPLOYEE'S OR THE PROSPECTIVE EMPLOYEE'S BIOMETRIC IDENTIFIER
23 ONLY TO:

24 (a) PERMIT ACCESS TO SECURE PHYSICAL LOCATIONS AND SECURE
25 ELECTRONIC HARDWARE AND SOFTWARE APPLICATIONS; EXCEPT THAT AN
26 EMPLOYER SHALL NOT OBTAIN THE EMPLOYEE'S OR PROSPECTIVE
27 EMPLOYEE'S CONSENT TO RETAIN BIOMETRIC DATA THAT IS USED FOR

1 CURRENT EMPLOYEE LOCATION TRACKING OR THE TRACKING OF HOW
2 MUCH TIME THE EMPLOYEE SPENDS USING A HARDWARE OR SOFTWARE
3 APPLICATION; OR

4 (b) RECORD THE COMMENCEMENT AND CONCLUSION OF THE
5 EMPLOYEE'S FULL WORK DAY, INCLUDING MEAL BREAKS AND REST BREAKS
6 IN EXCESS OF THIRTY MINUTES.

7 (7) **Rules.** THE DEPARTMENT OF LAW MAY PROMULGATE RULES
8 FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING RULES
9 PROMULGATED IN CONSULTATION WITH THE OFFICE OF INFORMATION
10 TECHNOLOGY AND THE DEPARTMENT OF REGULATORY AGENCIES
11 ESTABLISHING APPROPRIATE SECURITY STANDARDS FOR BIOMETRIC DATA
12 THAT ARE MORE STRINGENT THAN THE REQUIREMENTS DESCRIBED IN THIS
13 SECTION.

14 **SECTION 3.** In Colorado Revised Statutes, 6-1-1303, **add** (2.2)
15 and (2.4) as follows:

16 **6-1-1303. Definitions.** As used in this part 13, unless the context
17 otherwise requires:

18 (2.2) "BIOMETRIC DATA" MEANS ONE OR MORE BIOMETRIC
19 IDENTIFIERS THAT ARE USED OR INTENDED TO BE USED, SINGLY OR IN
20 COMBINATION WITH EACH OTHER OR WITH OTHER PERSONAL DATA, FOR
21 IDENTIFICATION PURPOSES.

22 (2.4) "BIOMETRIC IDENTIFIER" MEANS DATA GENERATED BY THE
23 TECHNOLOGICAL PROCESSING, MEASUREMENT, OR ANALYSIS OF A
24 CONSUMER'S BIOLOGICAL, PHYSICAL, OR BEHAVIORAL CHARACTERISTICS,
25 WHICH DATA CAN BE PROCESSED FOR THE PURPOSE OF UNIQUELY
26 IDENTIFYING AN INDIVIDUAL. "BIOMETRIC IDENTIFIER" INCLUDES:

27 (a) A FINGERPRINT;

- 1 (b) A VOICEPRINT;
- 2 (c) A SCAN OR RECORD OF AN EYE RETINA OR IRIS;
- 3 (d) A FACIAL MAP, FACIAL GEOMETRY, OR FACIAL TEMPLATE; AND
- 4 (e) OTHER UNIQUE BIOLOGICAL, PHYSIOLOGICAL, OR BEHAVIORAL
- 5 PATTERNS OR CHARACTERISTICS.

6 **SECTION 4.** In Colorado Revised Statutes, 6-1-1304, **amend (1);**
7 **and add (6)** as follows:

8 **6-1-1304. Applicability of part.** (1) Except as specified in
9 subsection (2) of this section, this part 13 applies to a controller that:

10 (a) (I) Conducts business in Colorado or produces or delivers
11 commercial products or services that are intentionally targeted to
12 residents of Colorado; and

13 ~~(b)~~ (II) Satisfies one or both of the following thresholds:

14 ~~(H)~~ (A) Controls or processes the personal data of one hundred
15 thousand consumers or more during a calendar year; or

16 ~~(H)~~ (B) Derives revenue or receives a discount on the price of
17 goods or services from the sale of personal data and processes or controls
18 the personal data of twenty-five thousand consumers or more; OR

19 (b) CONTROLS OR PROCESSES ANY AMOUNT OF BIOMETRIC DATA
20 REGARDLESS OF THE AMOUNT OF BIOMETRIC DATA CONTROLLED OR
21 PROCESSED ANNUALLY.

22 (6) NOTHING IN THIS PART 13 SHALL BE CONSTRUED TO IMPACT
23 THE ADMISSION OR DISCOVERY OF A BIOMETRIC IDENTIFIER IN ANY ACTION
24 OF ANY KIND IN ANY COURT OR BEFORE ANY TRIBUNAL, BOARD, OR
25 AGENCY.

26 **SECTION 5. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect July 1, 2025; except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within the ninety-day period after final adjournment of the general
4 assembly, then the act, item, section, or part will not take effect unless
5 approved by the people at the general election to be held in November
6 2024 and, in such case, will take effect July 1, 2025, or on the date of the
7 official declaration of the vote thereon by the governor, whichever is
8 later.

9 (2) This act applies to the collection, retention, and use of
10 biometric identifiers on and after the applicable effective date of this act.