

HB1130_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB24-1130 be amended as follows:

- 1 Amend printed bill, page 4, line 2, after "RECEIVE," insert "CAPTURE,".
- 2 Page 4, lines 12 and 13, strike "IN POSSESSION OF" and substitute "THAT
3 CONTROLS OR PROCESSES".
- 4 Page 5, line 1, strike "THIRTY" and substitute "FORTY-FIVE".
- 5 Page 6, line 23, strike "COLLECTS" and substitute "PROCESSES".
- 6 Page 7, strike lines 12 through 15 and substitute "IS TO A PROCESSOR AND
7 IS NECESSARY FOR THE PURPOSE FOR WHICH THE BIOMETRIC IDENTIFIER
8 WAS COLLECTED AND TO WHICH THE CONSUMER OR THE CONSUMER'S
9 LEGALLY AUTHORIZED REPRESENTATIVE CONSENTED;".
- 10 Page 7, line 26, strike "CONSUMER" and substitute "CONSUMER, BASED ON
11 THE CONSUMER'S REFUSAL TO CONSENT TO THE CONTROLLER'S
12 COLLECTION, USE, DISCLOSURE, TRANSFER, SALE, RETENTION, OR
13 PROCESSING OF A BIOMETRIC IDENTIFIER,".
- 14 Page 8, line 4, strike "OR".
- 15 Page 8, strike line 8 and substitute "PART 13; OR
16 (III) PURCHASE A BIOMETRIC IDENTIFIER UNLESS THE CONTROLLER
17 PAYS THE CONSUMER FOR THE COLLECTION OF THE CONSUMER'S
18 BIOMETRIC IDENTIFIER, THE PURCHASE IS UNRELATED TO THE PROVISION
19 OF A PRODUCT OR SERVICE TO THE CONSUMER, AND THE CONTROLLER HAS
20 OBTAINED CONSENT AS DESCRIBED IN SUBSECTION (3)(a) OF THIS
21 SECTION.".
- 22 Page 8, line 27, before "CONSUMER'S" insert "CATEGORY OR DESCRIPTION
23 OF THE".
- 24 Page 10, line 19, after "**employers.**" insert "(a)".
- 25 Page 10, line 21, strike "USE" and substitute "PROCESS".
- 26 Page 10, line 24, strike "(a)" and substitute "(I)".
- 27 Page 11, line 4, strike "(b)" and substitute "(II)".

1 Page 11, after line 6 insert:

2 "(b) AN EMPLOYER MAY COLLECT AND PROCESS AN EMPLOYEE'S
3 OR PROSPECTIVE EMPLOYEE'S BIOMETRIC IDENTIFIER FOR USES OTHER
4 THAN THOSE DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION ONLY
5 WITH THE EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S CONSENT. AN
6 EMPLOYER MAY NOT REQUIRE THAT AN EMPLOYEE OR PROSPECTIVE
7 EMPLOYEE CONSENT TO SUCH COLLECTION OR PROCESSING AS A
8 CONDITION OF EMPLOYMENT OR RETALIATE AGAINST AN EMPLOYEE OR
9 PROSPECTIVE EMPLOYEE WHO DOES NOT CONSENT TO SUCH COLLECTION
10 OR PROCESSING.

11 (c) SO LONG AS CONSENT THAT IS OBTAINED FOR COLLECTION AND
12 PROCESSING AS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION
13 SATISFIES THE DEFINITION OF CONSENT PROVIDED IN SECTION 6-1-1303 (5),
14 CONSENT IS CONSIDERED TO BE FREELY GIVEN AND VALID FOR THE LIMITED
15 PURPOSES DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION."

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

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

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