

STATE OF NEW YORK

1558--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring retailers to post warning signs of the tracking of customers through electronic devices that track, monitor, and collect biometric identifier information on customers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 390-f to read as follows:

3 § 390-f. Posting of warning signs by retailers tracking customers
4 through electronic devices and collecting biometric data of customers.
5 1. Any retailer that tracks a customer by use of the customer's cell
6 phone, a store-installed camera or any other electronic device while the
7 customer is in their establishment shall conspicuously post a warning
8 sign at each entrance indicating that such retailer performs such track-
9 ing. Such warning sign shall also provide information for customers who
10 wish to opt out of the tracking and collection of data, if applicable.

11 2. (a) Any retailer that collects, retains, converts, stores or shares
12 biometric identifier information of customers shall conspicuously post a
13 warning sign at each entrance indicating that such retailer collects
14 biometric identifier information. Such warning sign shall be written in
15 plain language and describe the type of biometric identifier information
16 being collected and how such information is used by the retailer. Such
17 warning sign shall also provide information for customers who wish to
18 opt out of the collection of biometric identifier information, if appli-
19 cable.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (b) It shall be unlawful for a retailer to sell, lease, trade, share
2 in exchange for anything of value or otherwise profit from the trans-
3 action of biometric identifier information.

4 3. Any retailer that violates this section shall be subject to a civil
5 penalty of not more than one hundred dollars for the first violation,
6 not more than two hundred fifty dollars for the second violation, and
7 not more than five hundred dollars for each violation thereafter. The
8 provisions of subdivision one of this section may be enforced concu-
9 rently by the director of a municipal consumer affairs office, or by the
10 town attorney, city corporation counsel, or other lawful designee of a
11 municipality or local government, and all moneys collected thereunder
12 shall be retained by such municipality or local government.

13 4. The provisions of this section shall not apply to cameras and other
14 technology solely intended for video surveillance to ensure the security
15 of a store.

16 5. For purposes of this section, the following terms shall have the
17 following meanings:

18 (a) "Electronic device" shall mean any cell phone as defined by para-
19 graph (b) of this subdivision, personal digital assistant, handheld
20 device with mobile data access, laptop computer, pager, broadband
21 personal communication device, two-way messaging device, electronic
22 game, or portable computing device, or any other electronic device when
23 used to input, write, send, receive, or read text for present or future
24 communication.

25 (b) "Cell phone" shall mean the device used by subscribers and other
26 users of wireless telephone service to access such service.

27 (c) "Wireless telephone service" shall mean two-way real time voice
28 telecommunications service that is interconnected to a public switched
29 telephone network and is provided by a commercial mobile radio service,
30 as such term is defined by 47 C.F.R. § 20.3.

31 (d) "Tracking" includes, but is not limited to, situations where
32 retailers track a person's movement throughout the establishment for
33 purposes of storing or selling such information pertaining to such
34 person. "Tracking" does not include the use of electronic devices that
35 are not unique to a particular person.

36 (e) "Biometric identifier information" means a physiological or
37 biological characteristic that is used by or on behalf of a commercial
38 establishment, singly or in combination, to identify, or assist in iden-
39 tifying, an individual, including, but not limited to: (i) a retina or
40 iris scan, (ii) a fingerprint or voiceprint, (iii) a scan of hand or
41 face geometry, or (iv) any other identifying characteristic.

42 § 2. This act shall take effect on the ninetieth day after it shall
43 have become a law.