

STATE OF NEW YORK

2539--B

Cal. No. 412

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 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 information of
5 customers. 1. Any retailer that tracks a customer by use of the custom-
6 er's cell phone, a store-installed camera or any other electronic device
7 while the customer is in their establishment shall conspicuously post a
8 warning sign at each entrance indicating that such retailer performs
9 such tracking. Such warning sign shall be written in plain language and
10 also provide information for customers who wish to opt out of the track-
11 ing and collection of data, if applicable.

12 2. (a) Any retailer that collects, retains, converts, stores or shares
13 biometric information of customers shall conspicuously post a warning
14 sign at each entrance indicating that such retailer collects biometric
15 information. Such warning sign shall be written in plain language and
16 describe the type of biometric information being collected and how such
17 information is used by the retailer. Such warning sign shall also

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

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1 provide information for customers who wish to opt out of the collection
2 of biometric information, if applicable.

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

6 3. The warning signs described by subdivisions one and two of this
7 section may be posted together as one warning sign at each entrance of
8 the establishment so long as the requirements set out in subdivisions
9 one and two of this section are met.

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

19 5. The provisions of this section shall not apply to cameras and other
20 technology solely intended for video surveillance to ensure the security
21 of a store.

22 6. For purposes of this section, the following terms shall have the
23 following meanings:

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

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

33 (c) "Wireless telephone service" shall mean any two-way real time
34 voice telecommunications service that is interconnected to a public
35 switched telephone network and is provided by a commercial mobile radio
36 service.

37 (d) "Biometric information" means any measurable physical, physiolog-
38 ical or behavioral characteristic that is attributable to a person,
39 including, but not limited to facial characteristics, fingerprint char-
40 acteristics, hand characteristics, eye characteristics, vocal charac-
41 teristics, and any other characteristics that can be used to identify a
42 person including, but not limited to: fingerprints; handprints; retina
43 and iris patterns; DNA sequence; voice; gait; and facial geometry.

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