

# STATE OF NEW YORK

2539--A

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

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.