SENATE BILL No. 1834

Introduced by Senator Bowen
(Principal coauthor: Senator Machado)

February 20, 2004

An act to add Chapter 22.7 (commencing with Section 22650) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL’S DIGEST

SB 1834, as amended, Bowen. Radio frequency identification systems.
Existing law imposes special business regulations on various businesses.
This bill would prohibit a private entity from using an electronic product code system that uses radio frequency identification (RFID) tags attached to consumer products or an RFID reader to gather, store, use, or share information that could be used to identify an individual unless the entity complies with certain conditions. The bill would authorize prohibit a library to use from using RFID tags attached to circulating materials to collect information that could be used to identify a borrower under unless specified conditions are satisfied.

The people of the State of California do enact as follows:

SECTION 1. Chapter 22.7 (commencing with Section 22650) is added to Division 8 of the Business and Professions Code, to read:

Chapter 22.7. Radio Frequency Identification

22650. A private entity may not use an electronic product code system that uses radio frequency identification (RFID) tags attached to consumer products or an RFID reader that enables the user to collect information from RFID tags attached to consumer products to gather, store, use, or share information that could be used to identify an individual, unless all of the following conditions are met:

(a) The information is collected only to the extent permitted by law.

(b) The information has been provided by a customer for the purpose of completing a transaction to purchase or rent an item containing an RFID tag at a retail store.

(c) The information is not collected at any time before a customer actually initiates a transaction to purchase or rent an item or at any time after the customer completes the transaction.

(d) The information regards only a customer who actually presents the item for purchase or rent, and is in regard only to that item.

22651. A library may not use an electronic product code system that uses radio frequency identification (RFID) tags attached to circulating materials only to collect, store, use, or share information that could be used to identify a borrower unless all of the following conditions are met:

(a) The information is collected only to the extent permitted by law.

(b) The information has been voluntarily provided by the borrower for the purpose of registering to use the library’s collections and services or for the purpose of borrowing an item from the library, including an item containing an RFID tag at the library.

(c) The information is not collected at any time before the borrower actually attempts to borrow the item or at any time after
the customer completes the transaction to borrow the item containing the RFID tag. (d) The information is collected with regards only to a borrower who actually attempts to borrow the item and is in regard only to that item.