

AMENDED IN ASSEMBLY JUNE 14, 2004

AMENDED IN SENATE APRIL 1, 2004

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*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Chapter 22.7 (commencing with Section
2 22650) is added to Division 8 of the Business and Professions
3 Code, to read:

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5 CHAPTER 22.7. RADIO FREQUENCY IDENTIFICATION

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7 22650. A private entity may not use an electronic product
8 code system that uses radio frequency identification (RFID) tags
9 attached to consumer products or an RFID reader that enables the
10 user to collect information from RFID tags attached to consumer
11 products to gather, store, use, or share information that could be
12 used to identify an individual, unless all of the following
13 conditions are met:

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

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

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

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

25 22651. A library may *not* use an electronic product code
26 system that uses radio frequency identification (RFID) tags
27 attached to circulating materials ~~only~~ to collect, store, use, or share
28 information that could be used to identify a borrower ~~if~~ *unless* all
29 of the following conditions are met:

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

32 (b) The information has been *voluntarily* provided by the
33 borrower for the purpose of *registering to use the library's*
34 *collections and services or for the purpose of* borrowing an item
35 *from the library, including an item* containing an RFID tag ~~at the~~
36 ~~library.~~

37 (c) The information is not collected at any time before the
38 borrower actually attempts to borrow the item or at any time after



1 the customer completes the transaction to borrow the item
2 containing the RFID tag.
3 (d) The information is collected with regards only to a
4 borrower who actually attempts to borrow the item and is in regard
5 only to that item.

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