

# HB3024



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3024

by Rep. John Connor

### SYNOPSIS AS INTRODUCED:

740 ILCS 14/10

Amends the Biometric Information Privacy Act. Includes in the definition of "biometric identifier" an electrocardiography result from a wearable device. Effective immediately.

LRB101 09055 LNS 54148 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Biometric Information Privacy Act is amended  
5 by changing Section 10 as follows:

6 (740 ILCS 14/10)

7 Sec. 10. Definitions. In this Act:

8 "Biometric identifier" means a retina or iris scan,  
9 fingerprint, voiceprint, electrocardiography result from a  
10 wearable device, or scan of hand or face geometry. Biometric  
11 identifiers do not include writing samples, written  
12 signatures, photographs, human biological samples used for  
13 valid scientific testing or screening, demographic data,  
14 tattoo descriptions, or physical descriptions such as height,  
15 weight, hair color, or eye color. Biometric identifiers do not  
16 include donated organs, tissues, or parts as defined in the  
17 Illinois Anatomical Gift Act or blood or serum stored on behalf  
18 of recipients or potential recipients of living or cadaveric  
19 transplants and obtained or stored by a federally designated  
20 organ procurement agency. Biometric identifiers do not include  
21 biological materials regulated under the Genetic Information  
22 Privacy Act. Biometric identifiers do not include information  
23 captured from a patient in a health care setting or information

1 collected, used, or stored for health care treatment, payment,  
2 or operations under the federal Health Insurance Portability  
3 and Accountability Act of 1996. Biometric identifiers do not  
4 include an X-ray, roentgen process, computed tomography, MRI,  
5 PET scan, mammography, or other image or film of the human  
6 anatomy used to diagnose, prognose, or treat an illness or  
7 other medical condition or to further validate scientific  
8 testing or screening.

9 "Biometric information" means any information, regardless  
10 of how it is captured, converted, stored, or shared, based on  
11 an individual's biometric identifier used to identify an  
12 individual. Biometric information does not include information  
13 derived from items or procedures excluded under the definition  
14 of biometric identifiers.

15 "Confidential and sensitive information" means personal  
16 information that can be used to uniquely identify an individual  
17 or an individual's account or property. Examples of  
18 confidential and sensitive information include, but are not  
19 limited to, a genetic marker, genetic testing information, a  
20 unique identifier number to locate an account or property, an  
21 account number, a PIN number, a pass code, a driver's license  
22 number, or a social security number.

23 "Private entity" means any individual, partnership,  
24 corporation, limited liability company, association, or other  
25 group, however organized. A private entity does not include a  
26 State or local government agency. A private entity does not

1 include any court of Illinois, a clerk of the court, or a judge  
2 or justice thereof.

3 "Written release" means informed written consent or, in the  
4 context of employment, a release executed by an employee as a  
5 condition of employment.

6 (Source: P.A. 95-994, eff. 10-3-08.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.