

1 H.899

2 Introduced by Representatives Birong of Vergennes, Fegard of Berkshire,
3 Gonzalez of Winooski, Kornheiser of Brattleboro, Lanpher of
4 Vergennes, Noyes of Wolcott, Smith of Derby, and Walz of
5 Barre City

6 Referred to Committee on

7 Date:

8 Subject: Commerce and trade; consumer protection

9 Statement of purpose of bill as introduced: This bill proposes to enhance
10 levels of consumer consent, protection, and transparency throughout the
11 technology industry.

12 An act relating to promoting consumer protection in data and technology

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 9 V.S.A. chapter 62 is amended to read:

15 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

16 Subchapter 1. General Provisions

17 * * *

18 § 2432. FACIAL AND VOICE RECOGNITION

19 (a) With respect to a consumer, a person:

20 (1) shall not scan the face of a non-user in a photograph;

1 (2) shall not use facial or voice recognition technology unless a
2 consumer opts in to the use of the technology;

3 (3) shall not use facial or voice recognition technology for a purpose
4 other than product development;

5 (4) shall not use for marketing purposes a listening feature that stores
6 conversations;

7 (5) shall delete quality enhancement data after 21 days; and

8 (6) shall disclose the use of facial recognition technology on a clear and
9 conspicuous, physical sign at the entrance of a business location that uses the
10 technology.

11 (b) A person who violates this section commits an unfair and deceptive act
12 in commerce in violation of section 2453 of this title.

13 § 2433. DATA PRIVACY

14 (a) A business that operates a social networking service:

15 (1) shall provide to a consumer that closes his or her account the option
16 to permanently delete the consumer's personally identifiable information from
17 the business's databases and records; and

18 (2) if a consumer exercises the option pursuant to subdivision (1) of this
19 subsection, the business:

20 (A) shall delete the consumer's personally identifiable information in
21 a commercially reasonable time; and

1 (B) shall not sell or exchange the consumer’s personally identifiable
2 information.

3 (b) A business that collects data about a consumer:

4 (1) shall include in its privacy policy, which it shall post on its website:

5 (A) the average monetary value to the business of a consumer’s data;

6 and

7 (B) how the business uses consumer data that is not directly related to
8 the service the business provides;

9 (2) shall not sell or exchange global positioning system data about a
10 consumer that is collected by a mobile telephone service provider.

11 § 2434. DATA PRIVACY OF MINORS; CONSENT

12 A person that operates an internet website, online service, online
13 application, or mobile application:

14 (1) shall obtain consent from a parent or guardian to use facial or voice
15 recognition technology and to collect or use any data if a user is under 18 years
16 of age;

17 (2) shall obtain consent from a parent or guardian to create an account if
18 a user is under 13 years of age; and

19 (3) if the website, service, or application is directed to minors, shall not
20 use the personal information of a minor to direct content to the minor, or a
21 group of individuals who are similar, based upon the minor’s actual or

1 perceived race, ethnicity, religion, physical or mental disability, medical
2 condition, gender identity, gender expression, sexual orientation, sex,
3 socioeconomic background, or any other factor used to identify those traits.

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5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on July 1, 2020.