H. 595 – An Act Relating to Regulating the Use of Facial Recognition Technology

Facial recognition technology is increasingly being integrated into devices for security, tracking, and the collection of data. The technology works by means of lasers and cameras which capture images, an algorithm which calculates measurements of the face, and a database where the measurements are compared to the measurements of existing images. These measurements are unique to each individual and can be used for identification, tracking, and to ascertain emotional states.

The use of facial recognition technology without informing consumers places them at risk of unfair and deceptive business practices. Algorithms are not programed but are trained to recognize faces using large sets of images. Depending upon the images the algorithms are trained with, biases can be fundamental in their operation. Facial recognition algorithms are often worse at identifying women and people of color, and have a harder time recognizing their emotional state. Facial recognition also presents a threat to anonymity and exposes individuals to the danger of being identified without their knowledge from an image of their face.

H. 595 will require businesses to provide notice to consumers when they are using facial recognition technology in their physical location or through an electronic interface. Thus, individuals could consider whether they would like to be subject to facial recognition technology and its biases, flaws, and potential for misuse.