

1 H.75

2 Introduced by Representative Birong of Vergennes

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer protection

6 Statement of purpose of bill as introduced: This bill proposes to enhance  
7 levels of consumer consent, protection, and transparency throughout the  
8 technology industry.

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

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

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

12 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

13 Subchapter 1. General Provisions

14 \* \* \*

15 § 2432. FACIAL AND VOICE RECOGNITION

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

17 (1) shall not scan the face of a nonuser in a photograph;

18 (2) shall not use facial or voice recognition technology unless a

19 consumer opts in to the use of the technology;

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

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

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

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

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

11          § 2433. DATA PRIVACY

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

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

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

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

20           (B) shall not sell or exchange the consumer's personally identifiable  
21           information.

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

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

3            (A) the average monetary value to the business of a consumer's data;

4        and

5            (B) how the business uses consumer data that is not directly related to  
6        the service the business provides; and

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

9        § 2434. DATA PRIVACY OF MINORS; CONSENT

10        A person that operates an internet website, online service, online  
11        application, or mobile application:

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

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

17            (3) if the website, service, or application is directed to minors, shall not  
18        use the personal information of a minor to direct content to the minor, or a  
19        group of individuals who are similar, based upon the minor's actual or  
20        perceived race, ethnicity, religion, physical or mental disability, medical

1 condition, gender identity, gender expression, sexual orientation, sex,  
2 socioeconomic background, or any other factor used to identify those traits.

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4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2021.