

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1363

By: Cooksey

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6 AS INTRODUCED

7 An Act relating to torts; prohibiting the issuance of  
8 certain identification documents or devices;  
9 prohibiting the collection, selling, distributing or  
10 disclosing of biometric data, biometric samples or  
11 biometric templates; directing the destruction of  
12 previously collected biometric data, biometric  
13 samples or biometric templates; defining terms;  
14 prohibiting organizations from requesting,  
15 collecting, retaining or disclosing Social Security  
16 numbers; requiring certain notification; prohibiting  
17 discriminatory actions for nondisclosure; providing  
18 for voluntary disclosure of Social Security number  
19 under certain circumstances; defining term; providing  
20 for codification; and providing an effective date.

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1 or customers with services, products, accreditation or information  
2 to and for its members, affiliates or customers that reside in the  
3 State of Oklahoma, shall be prohibited from issuing to the member,  
4 affiliate or customer an identification document or identification  
5 device, used to identify the member, affiliate or customer that  
6 utilizes technology known as radio frequency identification (RFID)  
7 or radio frequency technology (RFT) or similar technologies or  
8 devices that are capable of transmitting personally identifiable  
9 information or unique numbers, codes or algorithms where such unique  
10 numbers, codes or algorithms directly correlate to personal  
11 information held in another location, database or device.

12 B. Any organization that has members, affiliates or customers,  
13 where the participation with such organization is voluntary and not  
14 required by law or where specific participation in any event,  
15 accreditation or activity is not specifically and directly governed  
16 by law, and where such organization provides its members, affiliates  
17 or customers with services, products, accreditation or information  
18 to and for its members, affiliates or customers that reside in the  
19 State of Oklahoma, shall be prohibited from requiring or requesting  
20 members, affiliates or customers of the organization to submit  
21 biometric data, a biometric sample or a biometric template in order  
22 to obtain membership, affiliation status, services, products,  
23 accreditation, benefits, privileges, information, or to participate  
24 in sanctioned events. No individual shall be denied any right,

1 benefit, or privilege provided by law because of the refusal by such  
2 individual to provide biometric data, a biometric sample, or a  
3 biometric template. Any biometric data, biometric sample or  
4 biometric template previously collected by an organization from any  
5 member, affiliate or customer that resides in Oklahoma and contained  
6 in any active database, archive or record shall, within six (6)  
7 months of the effective date of this act, permanently destroy all  
8 such records. Until such time as the biometric data, biometric  
9 sample and biometric template is permanently destroyed, the  
10 organization shall cease to use any biometric software for purposes  
11 of identifying any individual that is a resident of this state and  
12 shall be prohibited from selling, distributing or disclosing any of  
13 the same. Any identification card issued by the organization to any  
14 member, affiliate or customer that contains a photograph or facial  
15 image and such photograph or facial image does not comply with the  
16 standards set forth in the provisions of subsection C of this  
17 section, shall make provisions to replace such photograph or facial  
18 image with a copy that complies with the requirements of subsection  
19 C of this section.

20 C. For purposes of this section, "biometric data", "biometric  
21 sample" and "biometric template" include, but are not limited to:

22 1. Facial-feature pattern characteristics;

23 2. Computerized facial image or hard copy of the same that when  
24 scanned by electronic means may be used to create a computerized

1 facial image that exceeds an uncompressed photographic resolution  
2 where the width of the head is forty-nine (49) pixels or more of  
3 resolution, which corresponds to a maximum full image of eighty-five  
4 (85) pixels or more of resolution, and an image height of one  
5 hundred six (106) pixels or more of resolution;

6 3. Voice data used for comparing live speech with a previously  
7 created speech model of the voice of a person;

8 4. Iris recognition data containing color or texture patterns  
9 or codes;

10 5. Retinal scans, reading through the pupil to measure blood  
11 vessels lining the retina;

12 6. Behavior characteristics of a handwritten signature, such as  
13 shape, speed, pressure, pen angle, or sequence;

14 7. Fingerprints, palm prints, and other methods for measuring  
15 or recording ridge pattern or fingertip characteristics;

16 8. Keystroke dynamics, measuring pressure applied to key pads;

17 9. Hand geometry, measuring hand characteristics, including the  
18 shape and length of fingers, in three dimensions; and

19 10. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

20 D. Any organization that has members, affiliates or customers,  
21 where the participation with such organization is voluntary and not  
22 required by law or where specific participation in any event,  
23 accreditation or activity is not specifically and directly governed  
24 by law, and where such organization provides its members, affiliates

1 or customers with services, products, accreditation or information  
2 to and for its members, affiliates or customers that reside in the  
3 State of Oklahoma, shall be prohibited from requesting, collecting,  
4 retaining or disclosing for any purpose, numbers which correspond to  
5 the Social Security number of any individual, except as required by  
6 law. If disclosure of the Social Security number is required by  
7 law, the requesting entity shall inform the individual under what  
8 authority the Social Security number is being requested and that  
9 such disclosure is mandatory. A resident of the State of Oklahoma  
10 shall not be discriminated against in any way or be prevented from  
11 participating in any activity, event, accreditation or be prevented  
12 from receiving any benefit, privilege or other service or product  
13 provided because the individual does not provide a Social Security  
14 number. Provided, nothing in this section shall be construed as  
15 preventing an individual from voluntarily providing a Social  
16 Security number when the organization is acting in a fiduciary  
17 capacity on behalf of the individual for services requested by the  
18 individual, not specifically related to membership, participation,  
19 services, products, accreditation, sanctioned events or information.

20 E. As used in this section, "organization" means:

- 21 1. An individual;
- 22 2. An unincorporated association;
- 23 3. A general partnership;
- 24 4. A limited partnership;

- 1       5. A corporation;
- 2       6. A limited liability company; and
- 3       7. Any other lawfully recognized for-profit or nonprofit
- 4 entity.

5       SECTION 2. This act shall become effective November 1, 2009.

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