SENATE, No. 3499

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 26, 2023

Sponsored by:
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS
Prohibits use of facial recognition technology on consumer except for legitimate safety purpose.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning facial recognition and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a person selling or offering for sale goods or services at retail or any place of public accommodation to use any biometric surveillance system on a consumer, except if used for a legitimate safety purpose.

b. As used in this section:
   “Biometric surveillance system” means any computer software that performs facial recognition or other remote biometric recognition.
   “Facial recognition” means an automated or semi-automated process that assists in identifying a person or capturing information about a person based on the physical characteristics of the person’s face, or that logs characteristics of a person’s face, head, or body to infer emotion, associations, activities, or location of the person.
   “Legitimate safety purpose” means any purpose reasonably likely to reduce the risk to the life or safety of any person.
   “Place of public accommodation” means any place open to the public offering for sale goods or services to a consumer, and shall include, but not be limited to, an entertainment or sports venue.

2. This act shall take effect immediately.

STATEMENT

The bill prohibits a person selling or offering for sale goods or services at retail or any place of public accommodation from using any biometric surveillance system on a consumer, except if used for a legitimate safety purpose.

The bill defines “biometric surveillance system” to mean any computer software that performs facial recognition or other remote biometric recognition. In addition, the bill defines “facial recognition” as an automated or semi-automated process that assists in identifying a person or capturing information about a person based on the physical characteristics of the person’s face, or that logs characteristics of a person’s face, head, or body to infer emotion, associations, activities, or location of the person. The bill defines “legitimate safety purpose” as any purpose reasonably likely to reduce the risk to life or safety of any person. Finally, the bill defines “place of public accommodation” as any place open to the public offering for sale goods or services to a consumer, and shall include, but not be limited to, an entertainment or sports venue.
A violation of the bill’s provisions is an unlawful practice under the consumer fraud act punishable by a monetary penalty of not more than $10,000 for a first offense and not more than $20,000 for any subsequent offense. In addition, violations may result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.