

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1494**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2024

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 1494.

This bill prohibits the use of a biometric surveillance system on a consumer under certain circumstances.

Under the bill, a business entity is prohibited from using a biometric surveillance system on a consumer at the physical premises of the business entity, unless: (1) the business entity provides clear and conspicuous notice to the consumer regarding its use of a biometric surveillance system; and (2) the biometric surveillance system is used for a lawful purpose.

The business entity may satisfy the notice requirement by posting a sign in a conspicuous location at the perimeter of any area where a biometric surveillance system is being used. However, under the bill, if a business entity uses information obtained through a biometric surveillance system to deny a consumer access to its premises or to remove a consumer from its premises, the business entity is required to provide the consumer with a detailed explanation regarding its actions and the criteria used by the business entity in making its determination. The bill provides that a business entity will not be liable for a first violation if, within thirty days, the business entity demonstrates compliance with the provisions of this section.

In addition, the bill prohibits a business entity from selling, leasing, trading, sharing, or otherwise profiting from information obtained through the business entity's use of a biometric surveillance system on a consumer.

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.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, this bill includes the changes required by technical review, which has been performed.