

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 339 – HB 932

March 23, 2023

SUMMARY OF BILL: Requires a private entity that collects, captures, purchases, receives through trade, or otherwise obtains an individual's biometric identifier or biometric information to adhere to outlined requirements. Provides exceptions.

Requires, by January 1, 2024, a private entity operating before or on January 1, 2024, to develop and make available to the public a written policy establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining the biometric identifiers or information has been satisfied, or within three years of the individual's last interaction with the private entity, whichever occurs first. Requires a private entity incorporated or otherwise created after January 1, 2024, to develop and make available to the public the required written policy within 90 days of incorporation or creation.

Establishes that a violation of this act is an unfair and deceptive act or practice under the *Consumer Protection Act of 1977*. Authorizes an individual affected by a violation to bring a private cause of action against the private entity. Prescribes penalties and fines a court may award the prevailing party for each violation. Effective January 1, 2024.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Committing an unfair or deceptive practice under the *Consumer Protection Act of 1977* is a Class B misdemeanor offense.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any increase in the number of complaints handled by the Attorney General is estimated to be not significant and can be handled by existing staff during normal work hours.
- Any additional workload on the courts, as a result of this legislation, can be accommodated within existing resources and personnel.
- The proposed legislation will not significantly impact state or local revenue.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- Any impact to commerce or jobs in Tennessee is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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