
**Technology, Energy & Communications
Committee**

HB 1006

Brief Description: Requiring labeling of identification devices.

Sponsors: Representatives Morris, Chase, Kelley, Kagi, Upthegrove, Hudgins and Moeller.

Brief Summary of Bill

- Requires labeling of identification devices issued to consumers, unless the device has been disabled or removed.
- Changes the definition of radio frequency identification.

Hearing Date: 1/14/09

Staff: Kara Durbin (786-7133)

Background:

Radio Frequency Identification

Radio Frequency Identification (RFID) is a tagging and tracking technology that uses tiny electronic devices, called tags or chips, that are equipped with antennae. Passive RFID chips receive power from the electromagnetic field emitted by a reader in order to send the information contained on the chip to the reader. Active RFID chips have their own power source. Both active and passive RFID chips use radio waves to transmit and receive information.

Readers are devices that also have antennae. These reader-antennae receive information from the tag. The information gathered by the reader can be stored or matched to an existing record in a database. Most RFID chips can be read at a distance and often without the knowledge of the person who carries the item containing the RFID chip.

In 2008, the Legislature passed two laws related to RFID. It is a class C felony to either:

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- (1) scan another person's identification device remotely for the purpose of fraud or identity theft, if accomplished without that person's knowledge and consent; or
- (2) read or capture information contained on another person's identification document using radio waves without that person's knowledge or consent.

Federal law does not regulate the use of RFID.

Facial Recognition Technology

Facial recognition technology attaches numerical values to a person's different facial features and creates a unique faceprint. This faceprint can be checked against a database of existing persons' faceprints to identify a person.

Labeling

Federal and state law and regulations require labeling of certain food, drugs, alcoholic beverages and cigarettes for health and safety purposes. In addition, product manufacturers or retailers may elect to label products.

Summary of Bill:

A government or business entity that sells or issues an identification device must label it, unless the device is disabled, deactivated, or removed at the point of sale or issuance. The label must contain a universally accepted symbol for radio frequency identification technology or facial recognition technology, if a universally accepted symbol is available. The label must be affixed on the identification device or its packaging in a clear and conspicuous manner.

The definition of "radio frequency identification" is amended. Radio frequency identification is defined as the use of electromagnetic radiating waves or reactive field coupling in the radio frequency portion of the spectrum to communicate to or from a tag. This communication can occur through a variety of modulation and encoding schemes to uniquely read the identity of a radio frequency tag or other data stored on it.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.