
SUBSTITUTE HOUSE BILL 2365

State of Washington

66th Legislature

2020 Regular Session

By House Innovation, Technology & Economic Development (originally sponsored by Representatives Smith, Hudgins, Leavitt, Young, Wylie, Kloba, and Pollet)

READ FIRST TIME 01/28/20.

1 AN ACT Relating to notifying Washington consumers of products
2 that transmit user data; adding a new chapter to Title 19 RCW; and
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Connected device" means any device or other physical object
9 that is capable of connecting to the internet, directly or
10 indirectly, and that is assigned an internet protocol address or
11 bluetooth address and acquired by a natural person residing in
12 Washington state for personal, family, or household use.

13 (2) "Office" means the office of privacy and data protection.

14 (3) "User data" means any information.

15 NEW SECTION. **Sec. 2.** (1) The office shall develop a user data
16 transmission sticker for the purpose of notifying Washington
17 consumers that a connected device has the capability to transmit user
18 data to the device manufacturer or any separate business entity. The
19 data transmission sticker must:

1 (a) Have a design that is easily identifiable and understandable
2 to children and adults;

3 (b) Include a graphic that appeals to children and adults;

4 (c) Be effective in alerting consumers that the product collects
5 and transmits user data to the device manufacturer or any separate
6 business entity; and

7 (d) Be easy to use for manufacturers and retailers of applicable
8 connected devices.

9 (2) In determining whether a sticker design meets the
10 requirements specified under subsection (1) of this section, the
11 office must:

12 (a) Facilitate focus group discussions with children and adults
13 to solicit feedback on the design of the sticker; and

14 (b) Research existing labels intended to appeal to both children
15 and adults to use as a model for the sticker.

16 (3) This section expires January 1, 2022.

17 NEW SECTION. **Sec. 3.** (1) Effective January 1, 2022, it is
18 unlawful for a person or entity in Washington to sell or offer for
19 sale at retail a connected device product that transmits user data to
20 the device manufacturer or any separate business entity, unless the
21 product package is labeled with a user data transmission sticker
22 developed by the office.

23 (2) The user data transmission sticker must be:

24 (a) Placed in a prominent location on the principal display panel
25 or front of the product package;

26 (b) Of a size so as to be legible and readily visible by the
27 consumer;

28 (c) No smaller than an inch in diameter, unless recommended by
29 the office;

30 (d) Displayed on the product package in a manner that is not
31 altered or cropped; and

32 (e) Made available by the office in digital form to manufacturers
33 without cost. The digital file for the user data transmission sticker
34 must be made available on the office's web site.

35 (3) The office may adopt rules necessary to implement this
36 section.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
2 constitute a new chapter in Title 19 RCW.

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