
ENGROSSED SUBSTITUTE SENATE BILL 6179

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators MacEwen, Keiser, and Nguyen)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to the use of biometric age verification by
2 liquor licensees; amending RCW 66.20.170; and adding a new section to
3 chapter 66.20 RCW.

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

5 **Sec. 1.** RCW 66.20.170 and 2016 c 235 s 7 are each amended to
6 read as follows:

7 (1) A card of identification may for the purpose of this title
8 and for the purpose of procuring liquor, be accepted (~~as an~~
9 ~~identification card~~) by any licensee (~~and~~) as evidence of legal
10 age of the person presenting such card, provided the licensee
11 complies with the conditions and procedures prescribed herein and
12 such regulations as may be made by the board.

13 (2)(a) A biometric age verification system may for the purpose of
14 this title and for the purpose of procuring liquor, be relied upon by
15 any licensee as evidence of legal age of the person using the
16 biometric age verification system, provided the licensee complies
17 with the conditions and procedures prescribed herein and such
18 regulations as may be made by the board.

19 (b) A biometric age verification system must:

20 (i) Use a biometric system;

1 (ii) Use an electronic authorization process and processes to
2 verify the validity of a card of identification and the identity of
3 the holder of such card of identification;

4 (iii) Verify the person enrolling in the biometric system is the
5 same as the card of identification holder and securely store the data
6 captured from the card of identification in the biometric system;

7 (iv) Provide an indication that the card of identification holder
8 meets the age eligibility requirement upon future scans of the
9 biometric characteristic used in the biometric system; and

10 (v) Maintain records as established by the board.

11 (c) Use of a biometric age verification system is a mitigating
12 circumstance the board may consider to impose a different penalty
13 than the standard penalties established by the board.

14 (d) The use of a biometric age verification system is optional
15 for a licensee and a person procuring liquor. Any licensee that
16 relies on a biometric age verification system shall post near its
17 entrance a notice visible to the public that a card of identification
18 may be presented as evidence of legal age of a person instead of
19 participation in the biometric age verification system. When a
20 purchase of liquor occurs separate from a physical point of sale
21 location, the notice must be provided wherever consumers are directed
22 to a biometric age verification system.

23 (3) A licensee may not collect a person's biometric identifiers
24 to be used in a biometric age verification system except with consent
25 from the person. The consent required under this section must be
26 obtained before enrolling in the biometric system. Consumers must be
27 informed of the categories of data that will be collected, including
28 the specific ways in which it will be used consistent with this
29 chapter, and how a consumer may withdraw consent and request deletion
30 of the data collected.

31 (4) No person may utilize any data collected for a biometric age
32 verification system pursuant to this section for any purpose other
33 than for age verification for the purchase of liquor. Such
34 transaction may include the purchase of other products and services
35 concurrently with the purchase of liquor.

36 (5) The legislature finds that the practices regarding biometric
37 age verification systems covered by this section are matters vitally
38 affecting the public interest for the purpose of applying the
39 consumer protection act, chapter 19.86 RCW. A violation of this
40 section by a biometric age verification system provider is not

1 reasonable in relation to the development and preservation of
2 business and is an unfair or deceptive act in trade or commerce and
3 an unfair method of competition for purposes of applying the consumer
4 protection act, chapter 19.86 RCW. This section related to biometric
5 age verification systems may be enforced solely by the attorney
6 general under the consumer protection act, chapter 19.86 RCW.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.20
8 RCW to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Biometric identifier" means data that is generated from the
12 measurement or technological processing of an individual's biological
13 characteristics and that identifies a consumer including, but not
14 limited to, retina or iris scans, scans of face geometry, fingerprint
15 or palmprint mapping, and voiceprints that are used to identify a
16 specific individual. "Biometric identifier" does not include a
17 physical or digital photograph, video or audio recording or data
18 generated therefrom, or information collected, used, or stored for
19 health care treatment, payment, or operations under the federal
20 health insurance portability and accountability act of 1996.

21 (2) "Biometric system" means an automated identification system
22 used to capture, process, and store a biometric identifier, compare
23 the biometric identifier to one or more references, and match the
24 biometric identifier to a specific individual.

25 (3) "Card of identification" means identification issued by any
26 United States state, United States territory, or the District of
27 Columbia, tribal or federal government, as well as any physical
28 identification document issued by a foreign government that contains
29 the holder's photos, date of birth, and signature except on United
30 States federally issued identification where a visible signature is
31 not required.

32 (4) "Consent" means a clear affirmative act that signifies a
33 consumer's freely given, specific, informed, voluntary, and
34 unambiguous agreement, which may include written consent provided by
35 electronic means. "Consent" may not be obtained by:

36 (a) A consumer's acceptance of a general or broad terms of use
37 agreement or a similar document that contains descriptions of
38 personal data processing along with other unrelated information; or

1 (b) A consumer's agreement obtained through the use of deceptive
2 designs.

3 (5) "Deceptive designs" means a user interface designed or
4 manipulated with the effect of subverting or impairing user autonomy,
5 decision making, or choice.

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