

SSB 6179 - S AMD 642
By Senator MacEwen

ADOPTED 02/12/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 66.20.170 and 2016 c 235 s 7 are each amended to
4 read as follows:

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

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

17 (b) A biometric age verification system must:

18 (i) Use a biometric system;

19 (ii) Use an electronic authorization process and processes to
20 verify the validity of a card of identification and the identity of
21 the holder of such card of identification;

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

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

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

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

1 (d) The use of a biometric age verification system is optional
2 for a licensee and a person procuring liquor. Any licensee that
3 relies on a biometric age verification system shall post near its
4 entrance a notice visible to the public that a card of identification
5 may be presented as evidence of legal age of a person instead of
6 participation in the biometric age verification system. When a
7 purchase of liquor occurs separate from a physical point of sale
8 location, the notice must be provided wherever consumers are directed
9 to a biometric age verification system.

10 (3) A licensee may not collect a person's biometric identifiers
11 to be used in a biometric age verification system except with consent
12 from the person. The consent required under this section must be
13 obtained before enrolling in the biometric system. Consumers must be
14 informed of the categories of data that will be collected, including
15 the specific ways in which it will be used consistent with this
16 chapter, and how a consumer may withdraw consent and request deletion
17 of the data collected.

18 (4) No person may utilize any data collected for a biometric age
19 verification system pursuant to this section for any purpose other
20 than for age verification for the purchase of liquor. Such
21 transaction may include the purchase of other products and services
22 concurrently with the purchase of liquor.

23 (5) The legislature finds that the practices regarding biometric
24 age verification systems covered by this section are matters vitally
25 affecting the public interest for the purpose of applying the
26 consumer protection act, chapter 19.86 RCW. A violation of this
27 section by a biometric age verification system provider is not
28 reasonable in relation to the development and preservation of
29 business and is an unfair or deceptive act in trade or commerce and
30 an unfair method of competition for purposes of applying the consumer
31 protection act, chapter 19.86 RCW. This section related to biometric
32 age verification systems may be enforced solely by the attorney
33 general under the consumer protection act, chapter 19.86 RCW.

34 NEW SECTION. Sec. 2. A new section is added to chapter 66.20
35 RCW to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Biometric identifier" means data that is generated from the
39 measurement or technological processing of an individual's biological

1 characteristics and that identifies a consumer including, but not
2 limited to, retina or iris scans, scans of face geometry, fingerprint
3 or palmprint mapping, and voiceprints that are used to identify a
4 specific individual. "Biometric identifier" does not include a
5 physical or digital photograph, video or audio recording or data
6 generated therefrom, or information collected, used, or stored for
7 health care treatment, payment, or operations under the federal
8 health insurance portability and accountability act of 1996.

9 (2) "Biometric system" means an automated identification system
10 used to capture, process, and store a biometric identifier, compare
11 the biometric identifier to one or more references, and match the
12 biometric identifier to a specific individual.

13 (3) "Card of identification" means identification issued by any
14 United States state, United States territory, or the District of
15 Columbia, tribal or federal government, as well as any physical
16 identification document issued by a foreign government that contains
17 the holder's photos, date of birth, and signature except on United
18 States federally issued identification where a visible signature is
19 not required.

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

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

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

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

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32 On page 1, line 2 of the title, after "licensees;" strike the
33 remainder of the title and insert "amending RCW 66.20.170; and adding
34 a new section to chapter 66.20 RCW."

EFFECT: • Requires a liquor licensee that relies on a biometric age verification system to post a notice near its entrance and visible to the public that an ID card may be presented as evidence of legal age instead of participation in the system or when a liquor sale is separate from a physical point of sale location, the notice must be provided wherever consumers are directed to a biometric age verification system.

- Prohibits use of the data collected in the system for any purpose other than age verification for a liquor purchase, except that the transaction may include other purchases made at the same time with the liquor purchase.

- Provides that the violations of the act are subject to the consumer protection act and may only be enforced by the attorney general.

- Defines "deceptive designs" with respect to prohibited ways of obtaining consumer consent for collection of biometric identifiers to be used in a biometric age verification system.

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