

# SB3319



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3319

Introduced 2/7/2024, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

740 ILCS 14/10

Amends the Biometric Information Privacy Act. Defines "private entity" to mean any individual, partnership, corporation, limited liability company, association, or other group, however organized that employs more than 5 individuals. Effective immediately.

LRB103 38146 JRC 68279 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Biometric Information Privacy Act is  
5 amended by changing Section 10 as follows:

6 (740 ILCS 14/10)

7 Sec. 10. Definitions. In this Act:

8 "Biometric identifier" means a retina or iris scan,  
9 fingerprint, voiceprint, or scan of hand or face geometry.  
10 Biometric identifiers do not include writing samples, written  
11 signatures, photographs, human biological samples used for  
12 valid scientific testing or screening, demographic data,  
13 tattoo descriptions, or physical descriptions such as height,  
14 weight, hair color, or eye color. Biometric identifiers do not  
15 include donated organs, tissues, or parts as defined in the  
16 Illinois Anatomical Gift Act or blood or serum stored on  
17 behalf of recipients or potential recipients of living or  
18 cadaveric transplants and obtained or stored by a federally  
19 designated organ procurement agency. Biometric identifiers do  
20 not include biological materials regulated under the Genetic  
21 Information Privacy Act. Biometric identifiers do not include  
22 information captured from a patient in a health care setting  
23 or information collected, used, or stored for health care

1 treatment, payment, or operations under the federal Health  
2 Insurance Portability and Accountability Act of 1996.  
3 Biometric identifiers do not include an X-ray, roentgen  
4 process, computed tomography, MRI, PET scan, mammography, or  
5 other image or film of the human anatomy used to diagnose,  
6 prognose, or treat an illness or other medical condition or to  
7 further validate scientific testing or screening.

8 "Biometric information" means any information, regardless  
9 of how it is captured, converted, stored, or shared, based on  
10 an individual's biometric identifier used to identify an  
11 individual. Biometric information does not include information  
12 derived from items or procedures excluded under the definition  
13 of biometric identifiers.

14 "Confidential and sensitive information" means personal  
15 information that can be used to uniquely identify an  
16 individual or an individual's account or property. Examples of  
17 confidential and sensitive information include, but are not  
18 limited to, a genetic marker, genetic testing information, a  
19 unique identifier number to locate an account or property, an  
20 account number, a PIN number, a pass code, a driver's license  
21 number, or a social security number.

22 "Private entity" means any individual, partnership,  
23 corporation, limited liability company, association, or other  
24 group, however organized that employs more than 5 individuals.  
25 A private entity does not include a State or local government  
26 agency. A private entity does not include any court of

1 Illinois, a clerk of the court, or a judge or justice thereof.

2 "Written release" means informed written consent or, in  
3 the context of employment, a release executed by an employee  
4 as a condition of employment.

5 (Source: P.A. 95-994, eff. 10-3-08.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.