

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3270

(SENATE AUTHORS: LUCERO, Fateh, Limmer and Maye Quade)

DATE
04/03/2025

D-PG
1350

Introduction and first reading
 Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to civil rights; requiring places of public accommodation to obtain express
 1.3 consent before collecting biometric data; providing civil remedies; imposing civil
 1.4 and criminal penalties; proposing coding for new law in Minnesota Statutes, chapter
 1.5 604.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[604.505] BIOMETRIC DATA; EXPRESS CONSENT REQUIRED.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 1.9 the meanings given.

1.10 (b) "Biometric data" means data that depicts physical, biological, or behavioral traits;
 1.11 characteristics; or measurements of or relating to an identified or identifiable person's body.
 1.12 Biometric data includes images, descriptions, or recordings of an individual's facial features,
 1.13 iris or retina, fingerprints, voice, genetics, characteristics, movements, or gestures. Biometric
 1.14 data also includes data derived from depictions, images, descriptions, or recordings described
 1.15 in this paragraph that could reasonably identify the person from whom the data was derived.

1.16 (c) "Express consent" means an individual's affirmative written response to a clear,
 1.17 meaningful, and prominent written notice regarding the collection of biometric data and the
 1.18 purpose for the collection.

1.19 (d) "Place of public accommodation" has the meaning given in section 363A.03,
 1.20 subdivision 34.

1.21 Subd. 2. **Consent required.** A place of public accommodation must not:

2.1 (1) collect, process, transmit, or store an individual's biometric data without the express
2.2 consent of the individual, or permit any third party to collect, process, transmit, or store an
2.3 individual's biometric data without the express consent of the individual; or

2.4 (2) use an individual's biometric data for any purpose without the express consent of the
2.5 individual, or permit any third party to use an individual's biometric data for any purpose
2.6 without the express consent of the individual.

2.7 Subd. 3. **Civil remedies and penalties.** (a) A place of public accommodation that violates
2.8 this section is subject to a civil penalty of up to \$25,000 per violation.

2.9 (b) A county attorney or an individual whose biometric data is collected in violation of
2.10 this section may bring an action under this section.

2.11 (c) A place of public accommodation that violates this section is liable for damages,
2.12 costs, disbursements, and reasonable attorney fees. The court may award injunctive relief
2.13 and any other relief the court deems just and equitable.

2.14 Subd. 4. **Criminal penalty.** A place of public accommodation that violates this section
2.15 is guilty of a misdemeanor.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to causes
2.17 of action accruing and violations occurring on or after that date.