

2007 DRAFTING REQUEST

Bill

Received: 11/14/2006

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other
Gambling - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Radiofrequency identification tags

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 11/17/2006 rryan 11/29/2006	kfollett 12/14/2006		_____			
/P1	csundber 01/09/2007	kfollett 01/10/2007	rschluet 12/15/2006	_____	sbasford 12/15/2006		
/P2	csundber 01/18/2007	kfollett 01/18/2007	jfrantze 01/11/2007	_____	mbarman 01/11/2007		

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/?	csundber 11/17/2006 rryan 11/29/2006	kfollett 12/14/2006		_____			
/P1	csundber 01/09/2007	kfollett 01/10/2007	rschluet 12/15/2006	<i>Y/K</i> _____	sbasford 12/15/2006		
/P2		<i>1/18 kjf</i> 1/18	jfrantze 01/11/2007	<i>Self</i> _____	mbarman 01/11/2007		

*Y/K
Self*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	csundber 11/17/2006 rryan 11/29/2006	kfollett 12/14/2006		_____			
/P1		1/P2/gf 1/10	rschluet 12/15/2006	_____	sbasford 12/15/2006		

FE Sent For:

Jo
1/10

Jo/RS
1/11

2007 DRAFTING REQUEST

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Received: 11/14/2006

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters: *ryan*

Subject: **Trade Regulation - other**

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/?	csundber						
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1P/1g-f
12/14
[Signature]
[Signature]
<END>

FE Sent For:

Trade show freebies
raffles
consumer transactions

Robyn?



National Conference of State Legislatures

NCSLnet Search Results[Close this Window](#)**CA SB1834: Full-text, Summary, Title, Bill History, and Sponsor.**

Bill ID	Sponsor	Title	Status
CA SB1834 (04)	Bowen	An act to add Chapter 22.7 (commencing with Section 22650) to Division 8 of the Business and Professions Code, relating to business.	Introduced/In Process Last Action: 2/21/2004 (see Status History)

Bill Summary:

SB 1834, as introduced, Bowen. Radio frequency identification systems.

Existing law imposes special business regulations on various businesses. Existing law defines the term "unfair competition" and provides for the assessment of civil penalties for acts of unfair competition that may be recovered in an action brought by a governmental entity or by a person acting for the interests of itself, its members, or the general public.

This bill would require a person or entity that uses radiofrequency identification (**RFID**) systems to comply with certain conditions, including obtaining an individual's written consent before attaching or storing personally identifiable information with data collected via an **RFID** tag or before any personally identifiable information collected via an **RFID** system is shared with a third party. The bill would make a violation of the bill an act of unfair competition that is subject to specified enforcement provisions, including actions brought by the Attorney General or a district attorney or city attorney.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Bill Text:

The following text for review is not an official version and may not show added or deleted language.

SECTION 1. Chapter 22.7 (commencing with Section 22650) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22.7. RADIO FREQUENCY IDENTIFICATION

22650. A person or entity that uses a radio frequency identification (RFID) system that can be used to gather information about an individual shall obtain written consent from an individual before any personally identifiable information of the individual, including name, address, telephone number, or creditcard number, is attached to or stored with data collected via the RFID system.

22651. A person or entity shall obtain separate written consent from an individual before any personally identifiable information about the individual collected by an RFID system is shared with a third party.

22652. An individual shall have the right to access his or her personally identifiable information collected through an RFID system and the opportunity to make corrections to that information.

22653. A person or entity shall take reasonable measures to ensure that any individual data collected via an RFID system is transmitted and stored in a secure manner, and that access to the data is limited to those individuals needed to operate and maintain the RFID system.

22654. If a retail store uses an RFID system on a consumer product, the RFID tag shall be detached or destroyed before a consumer leaves the store.

22655. Collecting information through an RFID system that is aggregate in nature and that does not personally identify an individual is not a violation of this chapter.

22656. A violation of this chapter is an act of unfair competition under Chapter 5 (commencing with Section 17200) of

Division 7 and subject to the enforcement provisions of that chapter.

Status History:

20040221 Feb. 21 From print. May be acted upon on or after March 22.004

20040220 Feb. 20 Introduced. Read first time. To Com. on RLS. for assignment. To print.126

LRB 07-0734/A

RLR

prohibit use of RFID on raffle
ticket

Call to martin 11/29/06:

not sure how the raffle ticket
piece became part of the draft,
but like the idea.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0734/P1

CTS: KJF EMMOR

ERLR

In 11/29/06

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

and prohibiting use
of radiofrequency
identification tags
in raffle tickets

1 AN ACT ...; relating to: defining certain practices involving information obtained
2 with a radiofrequency identification device as unfair methods of competition
3 and unfair trade practices.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 100.20 (1g) of the statutes is created to read:

5 100.20 (1g) (a) In this subsection, "personal radiofrequency information"
6 means personally identifiable information, as defined in s. 19.62 (5), gathered using
7 a radiofrequency identification device.

8 (b) It is an unfair method of competition in business or an unfair trade practice
9 for a person to do any of the following:

10 1. Gather personal radiofrequency information about a consumer, as defined
11 in s. 100.195 (1) (b), unless the consumer has given written consent.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0734/P1dn

CTS: kjf

Date

Rep. Schneider:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent and note the following:

1. Per your instructions, this draft specifically applies to consumer transactions and items distributed at trade shows. The Indiana proposal included with the instructions, however, applies generally to personally identifiable information obtained about an individual without consent. If you intend for the draft to create a similarly broad prohibition, the draft will need to be modified.

X 2. As with the Indiana proposal, this draft defines certain uses of information obtained using radiofrequency identification devices as an unfair method of competition and an unfair trade practice. It is enforced by the Department of Agriculture, Trade and Consumer Protection, the Department of Justice, and by a private right of action for double damages.

Christopher T. Sundberg
Legislative Attorney

Phone: (608) 266-9739

E-mail:

christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0734/P1dn
CTS:kjf:rs

December 15, 2006

Rep. Schneider:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent and note the following:

1. Per your instructions, this draft specifically applies to consumer transactions and items distributed at trade shows. The Indiana proposal included with the instructions, however, applies generally to personally identifiable information obtained about an individual without consent. If you intend for the draft to create a similarly broad prohibition, the draft will need to be modified.
2. As with the Indiana proposal, this draft defines certain uses of information obtained using radio frequency identification devices as an unfair method of competition and an unfair trade practice. It is enforced by the Department of Agriculture, Trade and Consumer Protection, the Department of Justice, and by a private right of action for double damages.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Sundberg, Christopher

From: Basford, Sarah
Sent: Tuesday, December 19, 2006 7:45 AM
To: Sundberg, Christopher
Subject: FW: Draft review: LRB 07-0734/P1 Topic: Radiofrequency identification tags

Sarah Basford

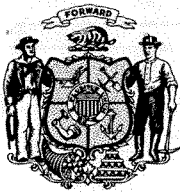
Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

From: Schneider, Marlin
Sent: Monday, December 18, 2006 4:13 PM
To: Basford, Sarah
Subject: RE: Draft review: LRB 07-0734/P1 Topic: Radiofrequency identification tags

I would like to broaden the draft to include any and all documents produced and distributed by the state or local governments not just lottery tickets so it would include all licenses for example, and any other official or other documents like birth and death certificates, diplomas, etc. Also any and all documents, calendars, papers, or whatever from insurance companies, banks, credit reporting agencies, etc.etc. etc. I don't know if we have any authority over the federal potential use of implantaing these chips into currency but I would like to at least put that into the bill to say that no currency of the United States can be implanted with microchips and used in this state. Probably get rhrown out as unconstitutional but maybe get somebodys attention in Congress.

From: Basford, Sarah
Sent: Friday, December 15, 2006 11:15 AM
To: Rep.Schneider
Subject: Draft review: LRB 07-0734/P1 Topic: Radiofrequency identification tags

Following is the PDF version of draft LRB 07-0734/P1 and drafter's note.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

d-note

Rezen

- 1 AN ACT to create 100.20 (1g) and 563.937 of the statutes; relating to: defining
- 2 certain practices involving information obtained with a radio frequency
- 3 identification device as unfair methods of competition and unfair trade
- 4 practices and prohibiting use of radio frequency identification tags in raffle
- 5 tickets.

documents

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 6 SECTION 1. 100.20 (1g) of the statutes is created to read:
- 7 100.20 (1g) (a) In this subsection, "personal radio frequency information"
- 8 means personally identifiable information, as defined in s. 19.62 (5), gathered using
- 9 a radio frequency identification device.
- 10 (b) It is an unfair method of competition in business or an unfair trade practice
- 11 for a person to do any of the following:

SECTION 1

1. Gather personal radio frequency information about a consumer, as defined in s. 100.195 (1) (b), unless the consumer has given written consent.

2. Gather personal radio frequency information using an object distributed at a trade show.

3. Share with another personal radio frequency identification information gathered about an individual who has consented to the gathering of such information, unless the individual has given separate written consent to the sharing of such information.

4. Deny an individual the right to access and correct personal radio frequency information about the individual.

5. Transmit or store personal radio frequency information, unless the person takes reasonable measures to ensure the security of the personal radio frequency information.

SECTION 2. ^{995.51}563.937 of the statutes is created to read:

^{995.51}~~563.937~~ **Radio frequency identification tags in raffle tickets.** (1) In this section, ^{INS 2-16}~~radio frequency identification tag~~ means an object in which a unique serial number is encoded and that receives or transmits signals over radio waves.

(2) No person may attach a radio frequency identification tag to or embed a radio frequency identification tag in a raffle ticket.

(END)

D

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0734/P2ins
CTS:.....

1 **Insert 2-16:**

2 ~~no #~~ ↓ # (a) "Document" includes U.S. currency.

3 (b) "Radio frequency identification tag" means a device encoded with a unique
4 serial number that receives or transmits a signal over radio waves.

5 (2) No person may attach a radio frequency identification tag to or embed a
6 radio frequency identification tag in a document.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0734/P2dn

CTS: *kjf*

Date

Representative Schneider:

→ This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent and note the following:

1. This draft creates a broad prohibition on attaching a radio frequency identification tag to or embedding a radio frequency identification tag in a document, including U.S. currency, but does not create a specific enforcement mechanism. Because the prohibition has broad application to state and local government and to private citizens, it is no longer clear that DATCP is the appropriate agency to enforce the provisions in the draft. In the absence of a delegation of enforcement authority to DATCP, the provisions of the draft would be enforced by the district attorney, and violators would be subject to the default statutory penalty of a forfeiture up to \$200.
2. This draft retains the definition of "radio frequency identification tag" from the previous version. Because this draft does not delegate authority to interpret the provisions of the draft to an agency, you may wish to consider refining the definition of "radio frequency identification tag."

Christopher T. Sundberg

Legislative Attorney

Phone: (608) 266-9739

E-mail:

christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0734/P2dn
CTS:kjf:jf

January 10, 2007

Representative Schneider:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent and note the following:

1. This draft creates a broad prohibition on attaching a radio frequency identification tag to or embedding a radio frequency identification tag in a document, including U.S. currency, but does not create a specific enforcement mechanism. Because the prohibition has broad application to state and local government and to private citizens, it is no longer clear that DATCP is the appropriate agency to enforce the provisions in the draft. In the absence of a delegation of enforcement authority to DATCP, the provisions of the draft would be enforced by the district attorney, and violators would be subject to the default statutory penalty of a forfeiture up to \$200.
2. This draft retains the definition of "radio frequency identification tag" from the previous version. Because this draft does not delegate authority to interpret the provisions of the draft to an agency, you may wish to consider refining the definition of "radio frequency identification tag."

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Sundberg, Christopher

From: Barman, Mike
Sent: Thursday, January 18, 2007 9:02 AM
To: Sundberg, Christopher
Cc: Rep.Schneider
Subject: FW: Draft review: LRB 07-0734/P2 Topic: Radiofrequency identification tags

Chris,

Rep. Schneider would like this "P" draft re-drafted to a "/1" ???

Thanks,

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau

Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Schneider, Marlin
Sent: Thursday, January 18, 2007 8:51 AM
To: Barman, Mike
Subject: RE: Draft review: LRB 07-0734/P2 Topic: Radiofrequency identification tags

Oh. This is fine for drafting. - Marlin

From: Barman, Mike
Sent: Thursday, January 11, 2007 9:13 AM
To: Rep.Schneider
Subject: Draft review: LRB 07-0734/P2 Topic: Radiofrequency identification tags

Following is the PDF version of draft LRB 07-0734/P2 and drafter's note.

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 AN ACT *to create* 995.51 of the statutes; **relating to:** prohibiting use of radio
2 frequency identification tags in documents.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 995.51 of the statutes is created to read:

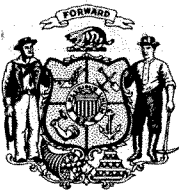
4 **995.51 Radio frequency identification tags in documents.** (1) In this
5 section:

6 (a) "Document" includes U.S. currency.

7 (b) "Radio frequency identification tag" means a device encoded with a unique
8 serial number that receives or transmits a signal over radio waves.

9 (2) No person may attach a radio frequency identification tag to or embed a
10 radio frequency identification tag in a document.

11 (END)



11/1/07
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0734/P2
CTS&RLD:kjf/ff

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

INS A
Regen

1 AN ACT to create 995.51 of the statutes; relating to: prohibiting use of radio
2 frequency identification tags in documents.

Analysis by the Legislative Reference Bureau

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 995.51 of the statutes is created to read:
4 **995.51 Radio frequency identification tags in documents.** (1) In this
5 section:
6 (a) "Document" includes U.S. currency.
7 (b) "Radio frequency identification tag" means a device encoded with a unique
8 serial number that receives or transmits a signal over radio waves.
9 (2) No person may attach a radio frequency identification tag to or embed a
10 radio frequency identification tag in a document.

(END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0734/lins
CTS:.....

1

Insert A:

This bill prohibits attaching a radio frequency identification tag to or embedding a radio frequency identification tag in a document, including U.S. currency.

Duerst, Christina

From: Schneider, Marlin
Sent: Thursday, January 18, 2007 12:31 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0734/1 Topic: Radiofrequency identification tags

Please Jacket LRB 07-0734/1 for the ASSEMBLY.