

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 993 Session of
2007

INTRODUCED BY KULA, DERMODY, SIPTROTH, GOODMAN, PALLONE,
HORNAMAN, MELIO, DALEY, JAMES, BELFANTI, FRANKEL, WALKO,
COHEN, JOSEPHS AND GEIST, APRIL 2, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 2, 2007

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," imposing requirements on the use of radio
7 frequency identification systems.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of December 17, 1968 (P.L.1224, No.387),
11 known as the Unfair Trade Practices and Consumer Protection Law,
12 reenacted and amended November 24, 1976 (P.L.1166, No.260), is
13 amended by adding a section to read:

14 Section 9.4. Use of Radio Frequency Identification
15 Systems.--(a) (1) An entity that uses a radio frequency
16 identification system that includes readers placed in a public
17 area frequented by consumers shall display a sign placed in a
18 conspicuous location and printed in a conspicuous type size that
19 is in contrast with the background against which it appears. The
20 sign shall be readable by consumers before they come into

contact with the RFID system. The sign shall state that:

(i) Radio frequency identification technology is in use.

(ii) The radio frequency identification tag contains information about the product that can be accessed by a reader both before and after a purchase.

(iii) A description of the purpose of a reader.

(2) Any product that contains a radio frequency identification tag shall contain a logo or identifier on the product or packaging and a label placed in a conspicuous location and printed in a conspicuous type size that is in contrast with the background against which it appears. The label shall state that:

(i) The product contains a radio frequency identification tag.

(ii) The radio frequency identification tag contains information about the product that can be accessed by a reader both before and after the purchase.

(3) Any person or entity that sells or issues to a consumer an object equipped with a radio frequency identification tag that is not disabled, deactivated or removed at the point of sale or issuance shall:

(i) Make the exact location of the radio frequency identification tag available to the consumer.

(ii) Post signs in a conspicuous place that provides information to the consumer on how to deactivate or remove the radio frequency tag.

(iii) Attach the tag in such manner as to allow individuals to remove the tag after the object has been purchased or issued without damaging the object.

(4) A consumer may file a complaint alleging a violation of

1 this section with the Bureau of Consumer Protection in the
2 Office of Attorney General.

3 (b) As used in this section:

4 "Clear and conspicuous" in reference to a notice means that
5 the notice is reasonably understandable and designed to call
6 attention to the nature and significance of the information
7 contained in the notice.

8 "Identify" means to establish the personal information of an
9 individual or any other identifying characteristic of an
10 individual including information linking an individual to
11 previous transactions or activities.

12 "Radio frequency identification" or "RFID" means a technology
13 that incorporates the use of electromagnetic or electrostatic
14 coupling in the radio frequency portion of the electromagnetic
15 spectrum that can be used to identify any object or person. This
16 includes, but is not limited to, any device including a reader
17 and tag that passively or actively uses radio frequency
18 identification technology that does not require physical contact
19 between the tag and reader in order to transmit data.

20 "Radio frequency identification system" or "RFID system"
21 means a combination of devices including, but not limited to,
22 RFID readers, tags, transmitters, processors, antennae,
23 computers, visual displays and automated checkout systems that
24 enable the owner or user of the devices to track, monitor,
25 record, identify, process, charge for, surveil, read, encode,
26 decode or disable a radio frequency identification tag.

27 "Radio frequency identification tag" or "tag" means an
28 identifier comprised of tags, product codes, chips, circuits or
29 other triggering devices which contain identification
30 information, data signals or other information related to the

1 product, manufacturer, contents, serial number, date, purchaser,
2 seller, destination, origin, package, carton, material, object
3 or person to which they are attached, embedded or associated,
4 and which information, including personal information or data,
5 is capable of being wirelessly transmitted to or read by an RFID
6 reader or RFID system.

7 "Radio frequency reader" or "reader" means a device capable
8 of reading, activating, triggering or receiving information or
9 data from a radio frequency identification tag.

10 Section 2. This act shall take effect in 60 days.