

# HB1764 • Illinois

## BIPA-LIMIT ON ACTIONS

Introduced

Risk: Medium

Amendment

Last Action (Mar 27, 2021): House Committee Amendment No. 1 Rule 19(c) / Re-referred to Rules Committee

## Summary

HB1764 amends the Biometric Information Privacy Act, granting sole enforcement authority to the Attorney General and requiring actual harm for actions.

## Business Impact

If you use biometric data for HR or security, you may be exempt from BIPA compliance immediately.

## Key Provisions

- Changes 'written release' to include electronic consents (740 ILCS 14/10).
- Grants sole enforcement authority to the Attorney General (740 ILCS 14/35 new).
- Requires actual harm for enforcement actions (740 ILCS 14/35 new).
- Exempts employers using biometric data for specified purposes (740 ILCS 14/40 new).
- Repeals the private right of action (740 ILCS 14/20 rep.).

## Compliance Checklist

- Obtain electronic consent for biometric data usage | Who: Businesses using biometric data | Penalty: Limited enforcement options if actual harm is not demonstrated.
- Ensure compliance with specified purposes for biometric data usage | Who: Employers using biometric identifiers | Penalty: Potential legal scrutiny from the Attorney General.

## Industries Affected

Consumer Protection

Employment

Technology

Healthcare

Human Resources

## Bill Sponsors

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Name	Party	Role
Keith Wheeler	R	Sponsor

## Amendments

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- House Amendment 001 — 2021-03-19 (Not Adopted)

## Related Bills

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- HB3199 (IL)

## Official Source

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<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1764&GAID;=16&DocTypeID;=HB&SessionID;=110&GA;=102>

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