

ALASKA STATE LEGISLATURE

House Labor & Commerce Committee



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Sectional Analysis, CSHB 159 ver B

Sec. 1. This section amends the Alaska Genetic Privacy Act, AS 18.13.010, to reference AS 45.48.800-AS 45.48.945, the Consumer Personal Information Privacy Act.

Sec. 2. This section amends AS 18.13.020 to provide a private right to civil action to someone who has had a DNA sample taken, kept, analyzed or disclosed without their consent, in violation of AS 18.13.10-18.13.100. It establishes the persons violating this chapter to be liable for actual damages as well as fines of \$5,000 or up to \$100,000 if the violation resulted in monetary or profitable gain, payable to the victim.

Sec. 3. This section amends AS 18.13.030(a), criminal penalties under the Genetic Privacy Act, to include a conforming change, a reference to AS 18.13.010-AS 18.13.100.

Sec. 4. This section amends AS 18.13.100, definitions under the Genetic Privacy Act, to include reference to AS 13.010-100, which now references AS 45.48.800-45.48.945.

Sec. 5. This section adds a new section, AS 18.13.110, Article 2, Biometric Information, to the Genetic Privacy Act. (AS 18.13) This section serves to require businesses to give notice to individuals that the business intends to collect their biometric information, the specific purpose, how the biometric information will be stored, and requiring signed, written approval by the individual or their authorized representative to do so. It defines biometric information and biometric identifiers, and requires businesses to establish protocols for the retention and storage of this data and its destruction after a certain period of time. It provides a private right to action to the individual whose biometric information was the subject of a violation of this act. It establishes that this section governs if it conflicts with any other section of the Genetic Privacy Act or AS 45.48.800-45.48.945.

Sec. 6. This section establishes in the Department of Commerce, Community, and economic Development a data broker registry, as required later in this bill under Sec . 9, AS 45.48.900. This is a conforming change.

Sec. 7. This section amends AS 45.48.430(b), authorized disclosure of personal information under the Personal Information Protection Act, (AS 45.48), to include AS 45.48.800-AS 45.48.945. This is a conforming change.

Sec. 8. This section amends AS 45.48.450(b), exception for employees, agents and independent contractors, to include AS 45.48.800-AS 45.48.945. This is a conforming change.

Sec. 9. This section establishes Article 6A in AS 45.48, Consumer Personal Information Privacy Act. It covers AS 45.48.800-AS 45.48.945.

Sec. 10. This section amends AS 45.50.471(b), Unlawful Acts under the Competitive Practices, Regulation of Competition, Consumer Protection, to include a violation of AS 18.13.110, regarding Biometric Information, and AS 45.48.800-45.48.945, the Consumer Personal Information Privacy Act. This is a conforming change.

Sec. 11. This section establishes the transition period for AS 45.48.800-45.48.945 for data collected by businesses defined under AS 45.48.945, as Jan 1st, 2024, if the information collected

Sec. 12. This section amends the uncodified law of the State of Alaska to allow the attorney general to adopt regulations as authorized under AS 45.48.915, for the implementation of the Act. They are authorized to take effect under AS 44.62, but not before effective dates implemented by the regulation.

Sec. 13. This section amends the uncodified law of the State of Alaska to add a new section stating that this Act only applies to a contract entered into or after the effective date of secs 1-11.

Sec. 14. This section adds an immediate effective date to Sec 12.

Sec 15. This section states that except as provided in Sec 14, this act takes effect Jan 1st, 2023.