103RD GENERAL ASSEMBLY
State of Illinois
2023 and 2024
HB1230

Introduced 1/31/2023, by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

740 ILCS 14/25

Amends the Biometric Information Privacy Act. Provides that nothing in the Act shall be construed to apply to any health care employer that (1) hires an employee under the Health Care Worker Background Check Act and the employee has submitted to a fingerprint-based criminal history records check, (2) uses and stores biometric information or biometric identifiers exclusively for employment, human resources, compliance, payroll, identification, authentication, safety, security, or fraud prevention purposes, (3) does not sell, lease, or trade the biometric information or biometric identifiers collected, and (4) maintains and follows a documented process to delete any biometric information or biometric identifier.
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Biometric Information Privacy Act is amended by changing Section 25 as follows:

(740 ILCS 14/25)

Sec. 25. Construction.

(a) Nothing in this Act shall be construed to impact the admission or discovery of biometric identifiers and biometric information in any action of any kind in any court, or before any tribunal, board, agency, or person.

(b) Nothing in this Act shall be construed to conflict with the X-Ray Retention Act, the federal Health Insurance Portability and Accountability Act of 1996 and the rules promulgated under either Act.

(c) Nothing in this Act shall be deemed to apply in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 and the rules promulgated thereunder.

(d) Nothing in this Act shall be construed to conflict with the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and the rules
(e) Nothing in this Act shall be construed to apply to a contractor, subcontractor, or agent of a State agency or local unit of government when working for that State agency or local unit of government.

(f) Nothing in this Act shall be construed to apply to any health care employer, as defined in the Health Care Worker Background Check Act, that:

1. hires an employee under the Health Care Worker Background Check Act and the employee has submitted to a fingerprint-based criminal history records check;
2. uses and stores biometric information or biometric identifiers exclusively for employment, human resources, compliance, payroll, identification, authentication, safety, security, or fraud prevention purposes;
3. does not sell, lease, or trade the biometric information or biometric identifiers collected, and
4. maintains and follows a documented process to delete any biometric information or biometric identifier used for the purposes identified in this subsection.

(Source: P.A. 95-994, eff. 10-3-08.)