



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0534	Date:	February 9, 2024
Prime Sponsors:	Rep. Daugherty; Lynch Sen. Lundeen; Hansen	Bill Status:	House Judiciary
		Fiscal Analyst:	Kristine McLaughlin 303-866-4776 kristine.mclaughlin@coleg.gov

Bill Topic: **PRIVACY OF BIOMETRIC IDENTIFIERS & DATA**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill amends the Colorado Privacy Act to require protections for biometric data. The bill minimally increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

[Senate Bill 21-190](#) enacted the Colorado Privacy Act, which made it a deceptive trade practice for entities who control the personal data of at least 25,000 people to process sensitive data without consent.

The bill amends the Colorado Privacy Act to require protections for biometric data. Specifically, the bill requires controllers of biometric data to:

- disclose specified information;
- destroy data within a year or upon request;
- not disseminate the data to other parties (with certain exceptions);
- not price discriminate;
- store the data with the same or greater level of security as confidential information; and
- update the data upon request.

State Revenue and Expenditures

Workload in the Department of Law may minimally increase if additional or more complicated deceptive trade practice complaints involving the requirements are filed. The department will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources. Depending on the

outcome of any new cases, revenue from civil penalties may increase. Adjudication of these complaints may also increase workload and filing fees for the trial courts in the Judicial Department. Civil penalties under the Consumer Protect Act are classified as damage awards and not subject to TABOR; court filing fees are subject to TABOR.

Since state agencies are exempt from the Colorado Privacy Act, the changes under this bill are not expected to affect other state agencies that may control covered types of data.

Local Government

While deceptive trade practice complaints may be filed with local district attorneys, it is assumed that any additional complaints received under the bill will be referred to the Attorney General for investigation. Thus, any local impact will be minimal.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

District Attorneys

Information Technology

Law

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).