DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 662 Original   2020 Regular Session   Jordan

Abstract: Regulates the use of facial recognition software.

Proposed law defines the following terms: "controller", "facial recognition", and "processor".

Proposed law requires controllers to employ meaningful human review before making final decisions when using facial recognition for profiling where those final decisions produce legal or other significant effects concerning consumers, including but not limited to denial of consequential service or support for the following: financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, and health care services.

Proposed law requires processors providing facial recognition services to provide documentation supplying general information explaining what the technology is capable of in plain terms for consumer understanding.

Proposed law requires processors providing facial recognition services to prohibit controllers from unlawfully using the services to discriminate against consumers in violation of federal or state law.

Controllers are required, pursuant to proposed law, to get consent from a consumer before deploying facial recognition services. Further, proposed law allows consent to the use of facial recognition services to be obtained by placing notice prominently on the premises or online.

Proposed law requires commercial providers, who make their facial recognition technology available to developers and customers for their own use, to extend to third parties engaged in legitimate testing, an application programing interface of the provider's choosing to allow the third parties to conduct reasonable tests on the facial recognition service for accuracy and unfair bias.

Proposed law prohibits state and local government agencies from using facial recognition technology for ongoing surveillance of specific individuals who are in public spaces except when used to support law enforcement activities and either: (1) a court order permitting the use of facial recognition services has been obtained or (2) a person is in imminent risk of death or physical injury.

(Adds R.S. 45:844.91)