

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

337L0132

HOUSE BILL NO. 1136

Introduced by: Representatives Hackl, Cutler, Garnos, Hargens, Rave, Schafer, and Weems
and Senators Duenwald, Bogue, Gray, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to regulate the use of radio frequency identification tags.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Any person that uses an electronic product code system utilizing radio frequency
4 identification (RFID) tags that can be used to gather information about any other person shall
5 obtain written consent from that person before any personally identifiable information of that
6 person, including name, address, telephone number, or credit card number, is attached to or
7 stored with data collected via the RFID system.

8 Section 2. A person shall obtain separate written signed consent before any personally
9 identifiable information about the signatory collected by a RFID system is shared with a third
10 party.

11 Section 3. Any person has the right to access his or her personally identifiable information
12 collected through a RFID system and the opportunity to make corrections to that information.

13 Section 4. Any person shall take reasonable measures to ensure that any individual data
14 collected via a RFID system is transmitted and stored in a secure manner, and that access to the
15 data is limited to those persons needed to operate and maintain the RFID system.



1 Section 5. If a retail store uses a RFID system on a consumer item, the RFID tag shall be
2 detached or destroyed before a consumer leaves the store.

3 Section 6. The collection of information through a RFID system that is aggregate in nature
4 and that does not personally identify any individual person is not a violation of this Act.