

New Mexico Kills RFID Privacy Bill

The state's House Judiciary Committee rejected a bill that would have compelled New Mexican stores to remove or disable RFID tags on purchased items to protect consumer privacy.

By Claire Swedberg

Mar. 16, 2005—New Mexico's House Judiciary Committee tabled a bill that would have required stores in that state to remove or disable RFID tags on purchased items to ensure the consumer's privacy.

HB215, sponsored by Rep. Mimi Stewart (D-Albuquerque) and introduced in January, passed through the House Consumer and Public Affairs Committee in February by a 7-0 vote, but failed to make it out of the Judiciary Committee, where it was tabled on Mar. 11.

The bill sought to require that all RFID tagged items bear a conspicuous label stating the items contain RFID tags and that all RFID tags be removed before those items leave the store. The Judiciary Committee dismissed the bill, however, by a vote of 5-3, with three members absent. The bill's rejection was the result of lobbying by the Grocery Manufacturers of America, Stewart says, which convinced the majority of the Judiciary Committee members that New Mexico did not want to be the first state to enact such a bill.

"I think it was a great bill, a perfect bill," Stewart says.

The bill would have also compelled businesses to provide consumers with any personal information gathered about them through radio frequency identification tags, if those consumers requested it.

In addition, any business that collects or carries items containing RFID tags would have needed to post a notice declaring the following: "This business carries items with radio frequency identification tags. New Mexico law requires that this business remove or disable all radio frequency identification tags before tagged items leave this business and requires this business to provide consumers, on request, with personal information gathered within the business. To file a request for personal information gathered on you through radio frequency identification tags used in this business, please contact the manager of this business."

Stewart intends to reintroduce the bill in the 2006 session in January. Until that time she will strive to build support for her proposed legislation.

"I'm going to do some work on it," she says. That means looking at bills in other states, contacting the American Civil Liberties Union for material about privacy issues and RFID technology and "getting some better information out to legislators about it." Stewart argues that "sometimes [tabling a bill] just means that legislators need some time to think about things."

"It's a major privacy issue," she says. The purpose of her bill, she explains, is "to protect consumers from the proliferation of a technology that is designed in the interest of business, not the consumer."

Similar bills have been introduced or studied in California, Missouri, Utah, Virginia and Massachusetts (see

States Move on RFID Privacy Issue). None has yet to pass.

In California, the state assembly's Committee on Business and Professions voted against the bill 8-0, with five abstentions (see California RFID Legislation Rejected), after the bill had passed the state senate. Opponents of the California bill consisted of a coalition of business groups including Hewlett Packard, the American Electronics Association, the California Chamber of Commerce, the California Grocers Association, the California Retailers Association and the Grocery Manufacturers of America. The bill's sponsor, State Senator Debra Bowen (D-Redondo Beach), vowed to reintroduce the bill.

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