

## **2009 -- S 0211 AS AMENDED**

LC00323

# STATE OF RHODE ISLAND

## IN GENERAL ASSEMBLY

## **JANUARY SESSION, A.D. 2009**

## AN ACT

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES

Introduced By: Senators Ciccone, Tassoni, Ruggerio, and Jabour

Date Introduced: February 04, 2009

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 "SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

## CHAPTER 152

## RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES

5        **42-152-1. Restriction of radio frequency identification devices. -- Except where**  
6        required by federal law, no state or municipal agency, or any subdivision thereof, shall use, or  
7        request the use of Radio Frequency Identification Devices (RFID) for the purpose of tracking the  
8        movement or identity of any student on school grounds, at school functions, or while being  
9        transported to or from school grounds or school functions.

10 **42-152-2. Civil action alleging a violation. --** In any civil action allowing a violation of  
11 this chapter, the court may:

12        (1) Award damages and reasonable attorneys' fees and costs to a prevailing plaintiff; and  
13        (2) Afford injunctive and other appropriate relief against any agency that commits or  
14        proposes to commit a violation of this chapter.

15        **42-152-3. Scope.** -- (a) Nothing contained herein shall be construed to affect the  
16        otherwise lawful use of electronic monitoring devices by the department of corrections or the  
17        department of children, youth and families for individuals placed on electronic monitoring parole,  
18        home confinement, temporary community placement pursuant to section 14-1-36.1, or in

1       community correctional programs. Global Positioning devices are excluded.

2               (b) Nothing contained herein shall be construed to prohibit the use of RFIDs for the  
3               purpose of tracking students being transported to a hospital for emergency medical services in  
4               accordance with section 23-4.1-1; provided, however, that no information that personally  
5               identifies the individual shall be transmitted by the RFID unless HIPPA compliant.

6               (c) Nothing contained herein shall prohibit the use of RFIDs by a state or local  
7               government for the purpose of tracking the location of equipment or vehicles owned by the state  
8               or local government, provided that the RFID device shall not contain or transmit information that  
9               directly pertains to any student.

10               (d) Nothing contained in this chapter shall be construed to apply to or prohibit the use of  
11               global positioning system devices.

12               (e) Nothing contained herein shall be construed to prohibit a school's use of RFID in the  
13               case of a student with special needs where:

14                       (1) It is determined that there is no less restrictive alternative available to monitor the  
15               student's movement in order to prevent elopement;

16                       (2) The use of RFID has been agreed to by both the school and the student's parent(s) or  
17               legal guardian;

18                       (3) The use of RFID technology is included in the student's individual education plan;  
19               and

20                       (4) The student's parent(s) or legal guardian have been provided information about the  
21               benefits and limits of the technology in tracking a student who has eloped.

22               **42-152-4. Use of radio frequency identification devices for toll payment.** – The  
23               personally identifiable information of persons who use radio frequency identification devices to  
24               facilitate the payment of tolls shall not be considered public information. Personally identifying  
25               information may be released to law enforcement agencies only for: (1) toll enforcement purposes;  
26               or (2) for other purposes if accompanied by a court order.

27               SECTION 1. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO  
FREQUENCY IDENTIFICATION DEVICES

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- 1        This act would restrict the use of radio frequency identification devices for the purpose of
- 2        tracking the movement or identity of a student while on school grounds, at school functions or
- 3        while being transported to and from school grounds or functions.
- 4        This act would take effect upon passage.

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