

2021 Regular Session

HOUSE BILL NO. 191

BY REPRESENTATIVE MCMAHEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIREMEN: Provides relative to the biometric data of fire employees

1 AN ACT

2 To enact R.S. 33:2012.1, relative to the rights of fire employees; to provide relative to the  
3 biometric data of such employees; to provide limitations regarding the disclosure of  
4 such data for employment purposes; to prohibit parishes, municipalities, and fire  
5 protection districts from requesting, collecting, or maintaining such data; to require  
6 that any collected data be destroyed by a certain date; to provide for definitions; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2012.1 is hereby enacted to read as follows:

10 §2012.1. Disclosure of biometric data; fire employees

11 A. No fire employee shall be required to disclose his biometric data as a  
12 condition of his employment or during the course of his employment. Additionally,  
13 no parish, municipality, or fire protection district shall request, collect, or maintain  
14 the biometric data of any fire employee for any purpose. Any parish, municipality,  
15 or fire protection district that possesses biometric data of any fire employee on the  
16 effective date of this Section shall destroy such data in a manner that protects the  
17 confidentiality of the fire employee no later than January 1, 2022.

18 B. As used in this Section, the following terms shall have the meanings  
19 ascribed to them:

20 (1) "Biometric data" has the same meaning provided in R.S. 51:3073.

1           (2) "Fire employee" means any person employed in the fire department of  
2           any parish, municipality, or fire protection district maintaining a full-time regularly  
3           paid fire department, regardless of the specific duties of such person within the fire  
4           department. "Fire employee" also means any person employed by a nonprofit  
5           corporation that has entered into a contract with a fire protection district or other  
6           political subdivision to provide fire protection services, including operators of the  
7           fire-alarm system when such operators are members of the regularly constituted fire  
8           department.

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 191 Original

2021 Regular Session

McMahan

**Abstract:** Prohibits parishes, municipalities, and fire protection districts from requesting, collecting, or maintaining the biometric data of fire employees.

Proposed law provides that a fire employee cannot be required to disclose his biometric data as a condition of his employment or during the course of his employment. Prohibits parishes, municipalities, and fire protection districts from requesting, collecting, or maintaining the biometric data of fire employees. Requires that the data in the possession of a parish, municipality, or fire protection district be destroyed in a manner that protects the confidentiality of the fire employee no later than Jan. 1, 2022.

Present law provides that the term "biometric data" means data generated by automatic measurements of an individual's biological characteristics that is used by the owner or licensee to uniquely authenticate an individual's identity when the individual accesses a system or account.

Proposed law provides that the term has the same meaning for purposes of proposed law. Further provides that the term "fire employee" means any person employed in the fire department of any municipality, parish, or fire protection district maintaining a full-time regularly paid fire department. The term also includes any person employed by a nonprofit corporation that is under contract with a fire protection district or other political subdivision to provide fire protection services.

(Adds R.S. 33:2012.1)