

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 729

Introduced by Kauth, 31.

Read first time January 07, 2026

Committee:

- 1 A BILL FOR AN ACT relating to biometric data; to adopt the Biometric
- 2 Autonomy Liberty Law; and to provide an operative date.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 7 of this act shall be known and may be
2 cited as the Biometric Autonomy Liberty Law.

3 **Sec. 2.** The Legislature finds that:

4 (1) The use of biometric data is growing in commercial, therapeutic,
5 and recreational applications;

6 (2) The use of biometric data to identify or monitor individuals is
7 unlike other unique identifiers that are used in commercial and
8 recreational applications. Biometric data of an individual that has been
9 compromised leaves the individual with no recourse, a heightened risk for
10 identity theft, and a greater likelihood to withdraw from transactions
11 facilitated by biometric data;

12 (3) An overwhelming majority of members of the public are weary of
13 the use of biometric data when such data is tied to finances and other
14 personal information;

15 (4) The ramifications of biometric data technology are not fully
16 known; and

17 (5) The public's welfare, security, and safety will be served by
18 regulating the collection, use, safeguarding, handling, storage,
19 retention, and destruction of biometric data.

20 **Sec. 3.** For purposes of the Biometric Autonomy Liberty Law:

21 (1)(a) Biometric data means data that is generated to identify a
22 specific individual through an automatic measurement of a biological
23 characteristic of such individual and includes any:

24 (i) Fingerprint;

25 (ii) Voice print;

26 (iii) Retina image;

27 (iv) Iris image; or

28 (v) Unique biological pattern or characteristic.

29 (b) Biometric data does not include:

30 (i) Any photograph, video recording, or audio recording, except for
31 data generated or collected from the biological characteristics of a

1 person depicted in any such photograph, video recording, or audio
2 recording; or

3 (ii) Information collected, used, or stored for health care
4 treatment, payment, or operations under the federal Health Insurance
5 Portability and Accountability Act of 1996 and the rules and regulations
6 adopted under such act;

7 (2) Collect means to gather, acquire, or obtain;

8 (3) Implantable device means a biocompatible device that can be
9 implanted inside the body;

10 (4) Possess means to have any custody of, to have any control of, to
11 manage the storage of, or to use;

12 (5)(a) Private entity means any individual, partnership,
13 corporation, limited liability company, association, or other group or
14 entity, however organized.

15 (b) Private entity does not include a public entity;

16 (6) Public entity means:

17 (a) The State of Nebraska or any agent acting on behalf of the State
18 of Nebraska;

19 (b) Any state or local governmental agency or any agent acting on
20 behalf of any state or local governmental agency;

21 (c) Any political subdivision of the State of Nebraska or any agent
22 acting on behalf of any political subdivision of the State of Nebraska;

23 (d) Any court of Nebraska or any judge, justice, or agent acting on
24 behalf of such court; and

25 (e) The Legislative Council or any agent acting on behalf of the
26 Legislative Council; and

27 (7)(a) Security purpose means the prevention or investigation of any
28 safety concern or criminal activity; and

29 (b) Security purpose includes:

30 (i) Assisting a law enforcement investigation, protecting property
31 from trespass, controlling access to property, or protecting any person

1 from harm, including stalking, violence, or harassment; and
2 (ii) Enforcement through any photograph, video recording, drug test,
3 or identification method.

4 Sec. 4. Any private entity or public entity shall not require or
5 coerce any individual to be subject to any implantable device.

6 Sec. 5. Except for biometric data collected or possessed for a
7 security purpose, a private entity shall not require or coerce any
8 individual to wear or be subject to a device of any kind that collects
9 biometric data.

10 Sec. 6. Nothing in the Biometric Autonomy Liberty Law shall be
11 construed to:

12 (1) Impact the admission or discovery of biometric data in any legal
13 action of any kind in any court or before any private entity or public
14 entity;

15 (2) Conflict with:

16 (a) The Data Privacy Act;

17 (b) The Genetic Information Privacy Act;

18 (c) Sections 71-8401 to 71-8407; or

19 (d) The federal Health Insurance Portability and Accountability Act
20 of 1996 and the rules and regulations adopted under such act;

21 (3) Apply to emergency medical care that is covered by the Emergency
22 Medical Services Practice Act;

23 (4) Apply to facial recognition technology used by the Department of
24 Motor Vehicles for fraud detection;

25 (5) Apply to personal data regulated by the federal Family
26 Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as such act
27 existed on January 1, 2026; or

28 (6) Apply to a financial institution, an affiliate of a financial
29 institution, or data subject to Title V of the Gramm-Leach-Bliley Act, 15
30 U.S.C. 6801 et seq., as such title existed on January 1, 2026.

31 Sec. 7. The Biometric Autonomy Liberty Law shall not apply to any

1 information collected, used, or stored for health care treatment,
2 payment, or operations, including protected health information, under the
3 federal Health Insurance Portability and Accountability Act of 1996 and
4 the rules and regulations adopted under such act.

5 **Sec. 8.** This act becomes operative on January 1, 2027.