

108TH CONGRESS
2D SESSION

H. R. 4673

To require warning labels on consumer products containing radio frequency identification devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2004

Mr. KLECKA introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require warning labels on consumer products containing radio frequency identification devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Opt Out of ID Chips
5 Act”.

6 **SEC. 2. DISCLOSURE OF RADIO FREQUENCY IDENTIFICA-**
7 **TION DEVICE IN RETAIL MERCHANDISE.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of the enactment of this Act, the Federal Trade Com-
10 mission shall promulgate a rule under section 18(a) of the

1 Federal Trade Commission Act (15 U.S.C. 57a(a)) pro-
2 viding that it shall be an unfair or deceptive act or practice
3 under section 5 of such Act (15 U.S.C. 45) to sell at retail
4 any product containing a radio frequency identification de-
5 vice (RFID) unless—

6 (1) such product bears a label meeting the re-
7 quirements of subsection (b); and

8 (2) the person purchasing such product is pro-
9 vided with the option of having such device removed
10 from the product or permanently disabled at the
11 time of purchase.

12 (b) REQUIREMENT FOR WARNING LABEL.—The
13 product label required by subsection (a) shall—

14 (1) state, at a minimum, that the product con-
15 tains a radio frequency identification device, and
16 that such device can be used to track the product
17 and transmit unique identification information to an
18 independent reader both before and after purchase;

19 (2) notify the consumer of such consumer's
20 right to have such device removed from the product
21 or permanently disabled at the time of purchase; and

22 (3) be in a conspicuous type-size and location
23 and in print that contrasts with the background
24 against which it appears.

1 (c) DEFINITION.—In this Act, the term “radio fre-
2 quency identification device” (or “RFID”) means a device
3 that acts as a transponder and enables data to be trans-
4 mitted through a radio signal to a receiver and that is
5 placed in a product to provide identification, tracking, or
6 other information about the product or the consumer of
7 the product.

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