



AN ACT CONCERNING CONSUMER FINANCIAL INFORMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 42-371 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) As used in this section:

4 (1) "Retailer" means any person who sells goods used primarily for
5 personal, family or household purposes to a person who is not in the
6 business of reselling such goods;

7 [(2) "Discount card or device" means any card or device issued by a
8 retailer to a consumer, that the consumer may use to obtain a discount
9 when making purchases from the retailer, including, but not limited
10 to, a scanner card;]

11 [(3)] (2) "Consumer" means an individual who is an actual or
12 prospective purchaser of goods used primarily for personal, family or
13 household purposes; and

14 [(4)] (3) "Consumer information" means information that identifies a
15 consumer and that is obtained by a retailer. [from the consumer's use
16 of a discount card or device issued by the retailer in the course of the
17 retailer's business.]

18 (b) No retailer [who issues, or has issued, a discount card or device
19 in this state to a consumer] may sell, lease [or relinquish] to, or
20 exchange for value with, any other person, firm or corporation any
21 consumer information, unless (1) the retailer provides reasonable prior
22 written notice to the consumer, (2) the retailer provides the consumer
23 with the option [, at the time the consumer applies for the discount
24 card or device or at the time the consumer receives an unsolicited
25 discount card or device,] of preventing the retailer from selling, leasing
26 or [relinquishing] exchanging for value such information, and (3) the
27 consumer does not exercise such option to prevent the retailer from
28 selling, leasing or [relinquishing] exchanging for value such
29 information.

30 (c) Such notice shall (1) state that information identifying the
31 consumer may be sold, leased [or relinquished] to, or exchanged for
32 value with, other persons, firms or corporations, (2) describe the
33 purposes for which such information would be used, and (3) include a
34 form the consumer may use to prevent the retailer from selling, leasing
35 or [relinquishing] exchanging for value such information.

36 (d) Nothing in this section shall be construed to supersede the
37 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

38 [(e) The provisions of this section do not apply to the sale, lease or
39 relinquishing of consumer information by a retailer to another person,
40 firm or corporation that directly or through one or more
41 intermediaries, controls, or is controlled by, or is under common
42 control with, such retailer.

43 (f) Notwithstanding the provisions of subsection (b) of this section, a
44 retailer may relinquish consumer information to (1) a credit rating
45 agency, as defined in section 36a-695, or a consumer reporting agency,
46 as defined in 15 USC 1681 et seq., provided such information may be
47 relinquished only if the discount card or device also functions as a
48 credit card, as defined in section 53a-128a, (2) a person, firm or
49 corporation performing or providing services used for the delivery of

50 such retailer's promotional offers, or (3) a person, firm or corporation
51 performing or providing services used for the delivery of such
52 retailer's billing statements.]

53 [(g)] (e) Any violation of any provision of this section shall be
54 deemed an unfair or deceptive trade practice under subsection (a) of
55 section 42-110b.

GL *JOINT FAVORABLE SUBST.*