

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 23.1-408.2, relating to college student-*  
3 *athletes; biometric data; protections and limitations.*

4 [H 971]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 23.1-408.2 as follows:**

8 **§ 23.1-408.2. Student-athletes; biometric data; protection and limitations.**

9 *A. As used in this section:*

10 *"Biometric data" means an individual's physiological, biological, or behavioral characteristics that are*  
11 *used or intended to be used alone or in combination with other identifying data to establish such individual's*  
12 *identity. "Biometric data" includes information pertaining to an individual's deoxyribonucleic acid (DNA);*  
13 *imagery of the iris, retina, fingerprint, face, hand, palm, and vein patterns and voice recordings from which*  
14 *an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted; keystroke*  
15 *patterns or rhythms; gait patterns or rhythms; and sleep, health, or exercise data that contain identifying*  
16 *information.*

17 *"Institution" means the same as that term is defined in § 23.1-408.1.*

18 *"Student-athlete" means the same as that term is defined in § 23.1-408.1.*

19 *B. No institution shall disclose to any individual or entity outside of the institution any enrolled student-*  
20 *athlete's biometric data without the prior written consent of the student-athlete.*

21 *C. No individual or entity shall make the possession, use, or ownership of or the rights to any student-*  
22 *athlete's biometric data a condition of any contract with the student-athlete for the use of the student-athlete's*  
23 *name, image, or likeness without the prior written consent of the student-athlete in a writing that is separate*  
24 *and apart from such contract.*