

AN ACT

relating to consent for the use or possession of personal identifying information under the Identity Theft Enforcement and Protection Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.051, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person may not obtain, possess, transfer, or use personal identifying information of another person without the other person's consent or effective consent and with intent to obtain a good, a service, insurance, an extension of credit, or any other thing of value in the other person's name.

(a-1) For purposes of this section, "effective consent" includes consent given by a person legally authorized to act on behalf of the person from whom consent is required. Consent is not effective if:

(1) induced by force, threat, fraud, or coercion; or

(2) given by a person who by reason of youth, mental illness, or intellectual disability is known by the actor to be unable to make reasonable decisions.

SECTION 2. Section 521.051, Business & Commerce Code, as amended by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation occurs before the

1 effective date of this Act if any element of the violation occurs
2 before that date. A violation that occurs before the effective date
3 of this Act is governed by the law in effect on the date the
4 violation occurred, and the former law is continued in effect for
5 that purpose.

6 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 3529 was passed by the House on April 27, 2021, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3529 was passed by the Senate on May 13, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor