

SENATE BILL NO. 286

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PROCEDURE REGARDING MICROCHIP IMPLANTATION ~~IN EMPLOYEES~~; PROHIBITING THE IMPLANTATION OF MICROCHIPS IN EMPLOYEES WITHOUT WRITTEN PERMISSION; REQUIRING REMOVAL OF THE MICROCHIP UPON REQUEST OF THE EMPLOYEE; REQUIRING THE MICROCHIP TO CEASE TRANSMITTING WHEN THE EMPLOYEE LEAVES THE JOB THAT CAUSED THE EMPLOYEE TO BE MICROCHIPPED; PROHIBITING GOVERNMENT FROM REQUIRING MICROCHIPPING; AND PROVIDING DEFINITIONS."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 ~~and 2~~ THROUGH 3], the following definitions apply:

(1) "Employee" means a person who works for another for hire and includes independent contractors.

(2) "Employer" means a person or entity that has one or more employees or independent contractors.

(3) "LOCAL GOVERNMENT" MEANS A COUNTY, CONSOLIDATED CITY-COUNTY, CITY, TOWN, TOWNSHIP, SCHOOL DISTRICT, OR OTHER DISTRICT OR LOCAL PUBLIC ENTITY WITH THE AUTHORITY TO SPEND OR RECEIVE PUBLIC FUNDS.

~~(3)~~(4) "Microchip" means technology that:

(a) is designed to be surgically implanted in the body of an individual; and

(b) contains a unique identification number and personal information that can be noninvasively retrieved or transmitted with an external scanning device.

(5) "STATE AGENCY" MEANS A DEPARTMENT, BOARD, COMMISSION, OFFICE, BUREAU, OR OTHER PUBLIC AUTHORITY OF STATE GOVERNMENT.

NEW SECTION. **Section 2. Requirement EMPLOYER REQUIREMENT of microchip implantation prohibited -- use with consent authorized.** (1) An employer is prohibited from requiring an employee to have a microchip implanted in the employee's body as a condition of employment.



1 (2) A microchip may be implanted in an employee's body at the request of an employer if the employee
2 provides the employer with written consent.

3 (3) (a) An employee may request the removal of the microchip at any time.

4 (b) If an employee requests the removal of the microchip, the microchip must be removed within 30 days
5 of the employee's request.

6 (4) If an employee receives a microchip at the request of an employer, the employer is required to:

7 (a) pay all the costs associated with implanting and removing the microchip;

8 (b) pay all the medical costs incurred by the employee as a result of any bodily injury to the employee
9 caused by the implantation of the microchip or the presence of the microchip in the employee's body; and

10 (c) disclose to the employee:

11 (i) the data that may be maintained on the microchip; and

12 (ii) how the data that is maintained on the microchip will be used by the employer.

13 (5) (a) If an employee is terminated from employment for any reason, including voluntarily, the microchip
14 must be removed from the employee's body within 30 days of the employee's termination.

15 (b) Once the employee terminates from the job that caused the microchip to be implanted, all data
16 transmission from the microchip to the employer must be ceased.

17 (c) An employee may elect to retain an implanted microchip after the termination of the employee's
18 employment.

19 (d) If an employee elects to retain an implanted microchip after termination of employment, the employee
20 assumes responsibility for all costs associated with the microchip, and subsection (4) does not apply.

21 (6) This section does not prohibit an employer from using alternative noninvasive technology that is
22 intended to track the movement of an employee.

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24 **NEW SECTION. SECTION 3. GOVERNMENT REQUIREMENT OF MICROCHIP PROHIBITED. A STATE AGENCY OR**
25 **LOCAL GOVERNMENT MAY NOT REQUIRE A PERSON TO HAVE A MICROCHIP IMPLANTED.**

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27 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2 THROUGH 3] are intended to
28 be codified as an integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [sections
29 1 and 2 THROUGH 3].

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