



AN ACT CREATING A PROCEDURE REGARDING MICROCHIP IMPLANTATION; 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:

Section 1. Definitions. As used in [sections 1 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.
- (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.

Section 2. 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.

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

- (3) (a) An employee may request the removal of the microchip at any time.
- (b) If an employee requests the removal of the microchip, the microchip must be removed within 30 days of the employee's request.
- (4) If an employee receives a microchip at the request of an employer, the employer is required to:
 - (a) pay all the costs associated with implanting and removing the microchip;
 - (b) pay all the medical costs incurred by the employee as a result of any bodily injury to the employee caused by the implantation of the microchip or the presence of the microchip in the employee's body; and
 - (c) disclose to the employee:
 - (i) the data that may be maintained on the microchip; and
 - (ii) how the data that is maintained on the microchip will be used by the employer.
- (5) (a) If an employee is terminated from employment for any reason, including voluntarily, the microchip must be removed from the employee's body within 30 days of the employee's termination.
- (b) Once the employee terminates from the job that caused the microchip to be implanted, all data transmission from the microchip to the employer must be ceased.
- (c) An employee may elect to retain an implanted microchip after the termination of the employee's employment.
- (d) If an employee elects to retain an implanted microchip after termination of employment, the employee assumes responsibility for all costs associated with the microchip, and subsection (4) does not apply.
- (6) This section does not prohibit an employer from using alternative noninvasive technology that is intended to track the movement of an employee.

Section 3. Government requirement of microchip prohibited. A state agency or local government may not require a person to have a microchip implanted.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [sections 1 through 3].

- END -

I hereby certify that the within bill,
SB 0286, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 286

INTRODUCED BY B. BENNETT, K. BOGNER, D. BROWN, J. COHENOUR, J. FIELDER, S. FITZPATRICK,
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