

SENATE BILL NO. 286

INTRODUCED BY B. BENNETT

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; 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], 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) "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.

NEW SECTION. Section 2. 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

1 caused by the implantation of the microchip or the presence of the microchip in the employee's body; and

2 (c) disclose to the employee:

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

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

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

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

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

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

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

15
16 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
17 as an integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [sections 1 and 2].

18 - END -