SENATE BILL 905   By: Dahm

<u>AS INTRODUCED</u>

An Act relating to labor; defining terms; forbidding employers from implanting microchips without employee consent; requiring employer to provide accommodations for employees who refused implantation; allowing for microchip implantation with employee consent; requiring removal of implant by employee request; providing for employee protection from medical expenses incurred by implantations; requiring employer to release information of microchip upon removal; directing Commissioner of Labor to promulgate rules; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1.   NEW LAW   A new section of law to be codified

in the Oklahoma Statutes as Section 191.1 of Title 40, unless there

is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Coerce" means:

a.   the use of physical violence, a threat, intimidation,

or retaliation with the purpose of causing a

reasonable individual of ordinary susceptibilities to

acquiesce when the individual otherwise would not,

b. the conditioning of a private or public benefit

including, without limitation, employment, promotion,

or another employment benefit with the purpose of

causing a reasonable individual of ordinary

susceptibilities to acquiesce when the individual

otherwise would not, or

c. the use of any other means with the purpose of causing

a reasonable individual of ordinary susceptibilities

to acquiesce when the individual otherwise would not;

2. "Employee" means a person who:

a. is employed by an employer, or

b. contracts to perform certain work away from an

employer's premises, uses his or her own methods to

accomplish the work, and is subject to the control of

the employer only as to the results of performed work;

3. "Employer" means:

a. an individual, partnership, association, corporation,

commercial entity, this state, or a political

subdivision of this state, or

b. a person or a group that acts directly or indirectly

in the interest of or in relation to an individual,

partnership, association, corporation, commercial

entity, this state, or a political subdivision of this

state;

4. "Microchip" means technology that:

    a.   is designed to be implanted in the body of an individual, and

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

5. "Political subdivision" means a county, city, town, school district, or other governmental or public entity located within this state.

B. An employer shall not:

1. Ask on an application for employment or inquire during an interview if a prospective employee will consent to having a microchip in his or her body;

2. Require an employee to have a microchip implanted in the employee's body as a condition of employment;

3. Coerce an employee into consenting to have a microchip implanted in his or her body;

4. Create a hostile work environment for an employee who does not consent to having a microchip implanted in his or her body;

5. Withhold advancement within the company from an employee who does not consent to having a microchip implanted in his or her body;

6. Withhold a salary or wage increase from an employee who does not consent to having a microchip implanted in his or her body; or

7. Dismiss an employee based on the decision of the employee not to consent to having a microchip implanted in his or her body.

C. An employer shall provide reasonable accommodations for an employee who does not consent to having a microchip implanted in his or her body.

D. 1. 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.

2. An employee may request the removal of the microchip at any time.

3. If an employee requests the removal of the microchip, the microchip implant shall be removed within thirty (30) days of the employee's request.

E. If an employee receives a microchip implant at the request of an employer, the employer shall:

1. Pay all the costs associated with implanting and removing the microchip;

2. 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

3. Disclose to the employee:

a. the data that will be maintained on the microchip, and

b.   how the data that is maintained on the microchip will

be used by the employer.

F.   1.   If an employee is terminated from employment, the microchip implant shall be removed from the employee's body within thirty (30) days of the employee's termination.

2.   An employee may elect to retain an implanted microchip after the termination of the employee's employment.

3.   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 E of this section shall not apply.

G.   This section shall not prohibit an employer from using alternative non-invasive technology that is intended to track the movement of an employee who has given consent to be tracked during the hours of work.

H.   The Commissioner of Labor shall promulgate the rules to implement the provisions of this act.

SECTION 2.   It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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