

Stricken language would be deleted from and underlined language would be added to present law.
Act 516 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/7/19
A Bill

HOUSE BILL 1177

By: Representatives S. Meeks, *Brown, Christiansen, Cloud, Love, Lynch, Sullivan*
By: *Senator K. Hammer*

For An Act To Be Entitled

AN ACT TO PROTECT EMPLOYEES FROM FORCED HUMAN
MICROCHIP IMPLANTATION; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT EMPLOYEES FROM FORCED HUMAN
MICROCHIP IMPLANTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 11, Chapter 1, is amended to add a new section to read as follows:

11-1-101. Microchip implantation of employees.

(a) As used in this section:

(1) "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;

(2) "Employer" means:

(A) An individual, partnership, association, corporation, commercial entity, this state, or a political subdivision of the 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 the state; and



(3) "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.

(b) An employer shall not ask on an application for employment or inquire during an interview if a prospective employee will consent to having a microchip implanted in his or her body.

(c) An employer shall not require an employee to have a microchip implanted in the employee's body as a condition of employment.

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

(e)(1) An employer shall not:

(A) Coerce an employee into consenting to have a microchip implanted in his or her body;

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

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

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

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

(2) For the purposes of subdivision (e)(1) of this section, "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.

(f)(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)(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 implant shall be removed within thirty (30) days of the employee's request.

(g) 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.

(h)(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)(A) An employee may elect to retain an implanted microchip after the termination of the employee's employment.

(B) 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 (g) of this section shall not apply.

(i) This section does not prohibit an employer from using alternative non-invasive technology that is intended to track the movement of an employee.

/s/S. Meeks

APPROVED: 3/19/19