

By: Senator(s) Blackwell

To: Labor; Economic and Workforce Development

SENATE BILL NO. 2088

1 AN ACT TO PROTECT EMPLOYEES FROM FORCED HUMAN MICROCHIP
 2 IMPLANTATION; TO DEFINE EMPLOYEE AND EMPLOYER FOR THE PURPOSES OF
 3 THIS ACT; TO DEFINE MICROCHIP FOR THE PURPOSES OF THIS SECTION; TO
 4 ESTABLISH LIMITS TO QUESTIONS ABOUT MICROCHIPS IN EMPLOYMENT
 5 INTERVIEWS; TO PROHIBIT EMPLOYERS FROM REQUIRING THAT EMPLOYEES
 6 CONSENT TO MICROCHIP IMPLANTATION; TO REQUIRE THAT EMPLOYERS
 7 REASONABLY ACCOMMODATE EMPLOYEES WHO DO NOT CONSENT TO MICROCHIP
 8 IMPLANTATION; TO PROHIBIT EMPLOYERS FROM COERCING, THREATENING,
 9 DISMISSING, OR WITHHOLDING PAYMENT FROM EMPLOYEES BASED ON LACK OF
 10 CONSENT TO MICROCHIP IMPLANTATION; TO DEFINE COERCION; TO PROVIDE
 11 CIRCUMSTANCES UNDER WHICH MICROCHIP IMPLANTATION IS PERMISSIBLE;
 12 TO ALLOW EMPLOYEES TO REQUEST REMOVAL OF A MICROCHIP; TO PROVIDE
 13 THAT EMPLOYERS COVER COSTS OF REMOVAL OF A MICROCHIP; TO PROVIDE
 14 PROCEDURES FOR REMOVAL OF A MICROCHIP UPON DISMISSAL OF AN
 15 EMPLOYEE; TO STIPULATE ASSUMPTION OF RESPONSIBILITY UPON DISMISSAL
 16 OF AN EMPLOYEE; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** (1) As used in this section:

19 (a) "Employee" means a person who:

20 (i) Is employed by an employer; or

21 (ii) Contracts to perform certain work away from

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

23 the work, and is subject to the control of the employer only as to

24 the results of performed work;

25 (b) "Employer" means:



26 (i) An individual, partnership, association,
27 corporation, commercial entity, this state or a political
28 subdivision of the state; or

29 (ii) A person or a group that acts directly or
30 indirectly in the interest of or in relation to an individual,
31 partnership, association, corporation, commercial entity, this
32 state or a political subdivision of the state; and

33 (c) "Microchip" means technology that:

34 (i) Is designed to be implanted in the body of an
35 individual; and

36 (ii) Contains a unique identification number or
37 personal information that can be noninvasively retrieved or
38 transmitted with an external scanning device.

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

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

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

49 (5) (a) An employer shall not:



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

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

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

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

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

64 (b) For the purposes of subsection (5) (a) of this
65 section, "coerce" means:

66 (i) The use of physical violence, a threat,
67 intimidation or retaliation with the purpose of causing a
68 reasonable individual of ordinary susceptibilities to acquiesce
69 when the individual otherwise would not;

70 (ii) The conditioning of a private or public
71 benefit, including, without limitation, employment, promotion or
72 other employment benefit with the purpose of causing a reasonable
73 individual of ordinary susceptibilities to acquiesce when the
74 individual otherwise would not; or



75 (iii) The use of any other means with the purpose
76 of causing a reasonable individual of ordinary susceptibilities to
77 acquiesce when the individual otherwise would not.

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

81 (b) An employee may request the removal of the
82 microchip at any time. If an employee requests the removal of the
83 microchip, the microchip implant shall be removed within thirty
84 (30) days of the employee's request.

85 (7) If an employee receives a microchip implant at the
86 request of an employer, the employer shall:

87 (a) Pay all the costs associated with implanting and
88 removing the microchip;

89 (b) Pay all the medical costs incurred by the employee
90 as a result of any bodily injury to the employee caused by the
91 implantation of the microchip or the presence of the microchip in
92 the employee's body; and

93 (c) Disclose to the employee:

94 (i) The data that will be maintained on the
95 microchip; and

96 (ii) How the data that is maintained on the
97 microchip will be used by the employer.



98 (8) (a) If an employee is terminated from employment, the
99 microchip implant shall be removed from the employee's body within
100 thirty (30) days of the employee's termination.

101 (b) An employee may elect to retain an implanted
102 microchip after the termination of the employee's employment. If
103 an employee elects to retain an implanted microchip after
104 termination of employment, the employee assumes responsibility for
105 all costs associated with the microchip, and subsection (7) of
106 this section shall not apply.

107 (9) This section does not prohibit an employer from using
108 alternative noninvasive technology that is intended to track the
109 movement of an employee.

110 **SECTION 2.** Section 1 of this act shall be codified in Title
111 71, Chapter 1, Mississippi Code of 1972.

112 **SECTION 3.** This act shall take effect and be in force from
113 and after July 1, 2024.

