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SESSION 2023

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SENATE BILL DRS45177-LR-60B

Short Title: No Forced Microchip Implants for Employees. (Public)

Sponsors: Senators Alexander, Moffitt, and Ford (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT EMPLOYEES FROM FORCED HUMAN MICROCHIP
3 IMPLANTATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 95-28.1B. Microchip implantation of employees.**

8 (a) The following definitions apply in this section:

9 (1) Coerce. – Includes the following:

- 10 a. The use of physical violence, a threat, intimidation, or retaliation with
11 the purpose of causing a reasonable individual of ordinary
12 susceptibilities to acquiesce when the individual otherwise would not.
13 b. The conditioning of a private or public benefit, including, without
14 limitation, employment, promotion, or another employment benefit,
15 with the purpose of causing a reasonable individual of ordinary
16 susceptibilities to acquiesce when the individual otherwise would not.
17 c. The use of any other means with the purpose of causing a reasonable
18 individual of ordinary susceptibilities to acquiesce when the individual
19 otherwise would not.

20 (2) Employee. – A person who is employed by an employer, or who contracts to
21 perform certain work away from an employer's premises, uses his or her own
22 methods to accomplish the work, and is subject to the control of the employer
23 only as to the results of performed work.

24 (3) Employer. – An individual, partnership, association, corporation, commercial
25 entity, the State, or a local political subdivision of the State, or a person or a
26 group that acts directly or indirectly in the interest of or in relation to an
27 individual, partnership, association, corporation, commercial entity, the State,
28 or a local political subdivision of the State.

29 (4) Microchip. – Technology that is designed to be implanted in the body of an
30 individual and contains a unique identification number or personal
31 information that can be noninvasively retrieved or transmitted with an external
32 scanning device.

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



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

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

5 (e) An employer shall not do any of the following:

6 (1) Coerce an employee into consenting to have a microchip implanted in his or
7 her body.

8 (2) Create a hostile work environment for an employee who does not consent to
9 having a microchip implanted in his or her body.

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

12 (4) Withhold a salary or wage increase from an employee who does not consent
13 to having a microchip implanted in his or her body.

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

16 (f) A microchip may be implanted in an employee's body at the request of an employer
17 if the employee provides the employer with written consent. An employee may request the
18 removal of the microchip at any time. If an employee requests the removal of the microchip, the
19 microchip implant shall be removed within 30 days of the employee's request.

20 (g) If an employee receives a microchip implant at the request of an employer, the
21 employer shall do all of the following:

22 (1) Pay all the costs associated with implanting and removing the microchip.

23 (2) Pay all the medical costs incurred by the employee as a result of any bodily
24 injury to the employee caused by the implantation of the microchip or the
25 presence of the microchip in the employee's body.

26 (3) Disclose to the employee the data that will be maintained on the microchip
27 and how the data that is maintained on the microchip will be used by the
28 employer.

29 (h) If an employee is terminated from employment, the microchip implant shall be
30 removed from the employee's body within 30 days of the employee's termination. However, an
31 employee may elect to retain an implanted microchip after the termination of the employee's
32 employment. If an employee elects to retain an implanted microchip after termination of
33 employment, the employee assumes responsibility for all costs associated with the microchip and
34 subsection (g) of this section shall not apply.

35 (i) Nothing in this section prohibits an employer from using alternative noninvasive
36 technology that is intended to track the movement of an employee."

37 **SECTION 2.** G.S. 95-241(a)(1) reads as rewritten:

38 "(a) No person shall discriminate or take any retaliatory action against an employee
39 because the employee in good faith does or threatens to do any of the following:

40 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
41 proceeding or other action, or testify or provide information to any person
42 with respect to any of the following:

43 ...

44 f. ~~G.S. 95-28.1A~~G.S. 95-28.1A or G.S. 95-28.1B.

45 "

46 **SECTION 3.** This act is effective when it becomes law and applies to employers,
47 employees, and prospective employees on and after that date.