

HB4 INTRODUCED



1 EJZR92-1
2 By Representatives Chestnut, Lawrence, Daniels
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 20-Jan-23



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

This bill would prohibit employers and certain other individuals from requiring another individual to be implanted with a microchip.

This bill would also make a violation of this act a Class D felony.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.



29

30

A BILL

31

TO BE ENTITLED

32

AN ACT

33

34 Relating to crimes and offenses; to make it unlawful
35 for certain individuals to require another individual to be
36 implanted with a microchip; to provide criminal penalties; and
37 in connection therewith would have as its purpose or effect
38 the requirement of a new or increased expenditure of local
39 funds within the meaning of Section 111.05 of the Constitution
40 of Alabama of 2022.

41 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

42 Section 1. (a) For the purposes of this section, the
43 following terms have the following meanings:

44 (1) MICROCHIP. A device subcutaneously implanted in an
45 individual that is passively or actively capable of
46 transmitting personal information to another device using
47 radio frequency technology. The term does not include any
48 device used in the diagnosis, monitoring, treatment, or
49 prevention of a health condition that only transmits
50 information necessary to carry out the diagnosis, monitoring,
51 treatment, or prevention of that health condition.

52 (2) VOLUNTARILY. Performed consciously as a result of
53 effort or determination and without an incentive, inducement,
54 or coercion.

55 (b) (1) It is unlawful for an employer, as a condition
56 of employment, to require an employee to be implanted with a



57 microchip or other permanent identification marker.

58 (2) It is unlawful for any of the following individuals
59 to require another individual to be implanted with a microchip
60 or other permanent identification marker:

61 a. An officer or employee of this state or a political
62 subdivision of this state.

63 b. An individual licensed to sell or provide insurance
64 pursuant to Title 27, Code of Alabama 1975.

65 c. An individual licensed to participate in a business
66 related to bail pursuant to the Alabama Bail Bond Regulatory
67 Act, Article 8, commencing with Section 15-13-200 of Chapter
68 13, Title 15, Code of Alabama 1975.

69 (c) This section may not be construed to prohibit an
70 individual from voluntarily electing to be implanted with a
71 microchip or other permanent identification marker.

72 (d) An individual who violates this section is guilty
73 of a Class D felony.

74 Section 2. Although this bill would have as its purpose
75 or effect the requirement of a new or increased expenditure of
76 local funds, the bill is excluded from further requirements
77 and application under Section 111.05 of the Constitution of
78 Alabama of 2022, because the bill defines a new crime or
79 amends the definition of an existing crime.

80 Section 3. This act shall become effective on the first
81 day of the third month following its passage and approval by
82 the Governor, or its otherwise becoming law.