

HOUSE BILL NO. 5672

March 17, 2020, Introduced by Reps. Kahle, Reilly, LaGrand and Rendon and referred to the Committee on Commerce and Tourism.

A bill to prohibit employers from requiring employees and prospective employees to have devices implanted or otherwise incorporated into their bodies as a condition of employment or any employment benefit; to prohibit employers from discriminating in the terms, conditions, and benefits of employment against employees who refuse to have a device implanted or otherwise incorporated into their bodies; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the



1 "microchip protection act".

2 Sec. 2. As used in this act:

3 (a) "Device" includes any acoustic, optical, mechanical,
4 electronic, medical, or molecular device.

5 (b) "Employer" means a person that has 1 or more employees,
6 and includes an agent of that person.

7 (c) "Person" means an individual, partnership, corporation,
8 association, governmental entity, or other legal entity.

9 Sec. 3. (1) Except as provided in subsection (3), an employer
10 shall not require an employee or prospective employee to take any
11 of the following actions as a condition of employment, as a
12 condition of employment in a particular position, or as a condition
13 of receiving additional compensation or other benefits:

14 (a) Implant, or undergo a procedure to implant, a device in
15 the employee's or prospective employee's body.

16 (b) Inject, or receive an injection of, a device into the
17 employee's or prospective employee's body.

18 (c) Ingest, inhale, or otherwise incorporate a device into the
19 employee's or prospective employee's body.

20 (2) Except as provided in subsection (3), an employer shall
21 not discriminate against an employee with respect to the employee's
22 compensation or other benefits, or any term or condition of
23 employment, based on the employee's refusal to take an action
24 described in subsection (1).

25 (3) An employer may, as a condition of employment, as a
26 condition of employment in a particular position, or as a condition
27 of receiving additional compensation or other benefits, require an
28 employee or prospective employee to comply with a court order that
29 directs the employee or prospective employee to take an action



1 described in subsection (1).

2 Sec. 4. (1) An employee or prospective employee may bring a
3 civil action against an employer to enforce section 3.

4 (2) In an action brought under subsection (1), if an employer
5 is found to have violated section 3, the court may do any of the
6 following:

7 (a) Award the prevailing employee or prospective employee
8 either or both of the following:

9 (i) Actual damages.

10 (ii) Court costs and reasonable attorney fees.

11 (b) Enjoin further violation of this act.

12 Sec. 5. This act does not limit an employee's or prospective
13 employee's rights or remedies under any other state or federal law.

