

Assembly Bill No. 226–Assemblyman Daly

CHAPTER.....

AN ACT relating to crimes; prohibiting certain entities or persons from requiring another person to undergo implantation of a microchip or other permanent identification marker; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill prohibits the following entities or persons from requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature: (1) an officer or employee of this State or any political subdivision thereof; (2) an employer who requires such an implant as a condition of employment; (3) a person licensed to sell or provide insurance; or (4) a person licensed to participate in a business related to bail. This bill also defines “microchip” and “voluntarily” for the purposes of this bill.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any entity or person described in paragraphs (a) to (d), inclusive, to require another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature:

(a) An officer or employee of this State or any political subdivision thereof;

(b) An employer as a condition of employment;

(c) A person licensed to sell or provide insurance pursuant to title 57 of NRS; or

(d) A person licensed to participate in a business related to bail pursuant to chapter 697 of NRS.

2. The provisions of this section shall not be construed to prohibit a natural person from voluntarily electing to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.

3. A person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section:



(a) “Microchip” means a device that is subcutaneously implanted in a person and that is passively or actively capable of transmitting personal information to another device using radio frequency technology. The term does not include a device that is implanted in a person if the device:

(1) Is incapable of passively or actively transmitting personal information to another device using radio frequency technology;

(2) Is capable of passively or actively transmitting personal information to another device using radio frequency technology and the device:

(I) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; and

(II) Only transmits such information as is necessary to carry out the diagnosis, monitoring, treatment or prevention of the health condition; or

(3) Is any type of hearing aid or hearing implant device.

(b) “Voluntarily” means without an incentive or other inducement.

