

ASSEMBLY BILL NO. 226—ASSEMBLYMAN DALY

FEBRUARY 22, 2019

Referred to Committee on Judiciary

SUMMARY—Prohibits any person from requiring or authorizing another person to undergo implantation of a microchip or other permanent identification marker under certain circumstances. (BDR 15-25)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

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

**Legislative Counsel's Digest:**

1 This bill prohibits an officer or employee of this State or any political  
2 subdivision thereof or any other person from: (1) requiring another person to  
3 undergo the implantation of a microchip or other permanent identification marker  
4 of any kind or nature; (2) establishing a program that authorizes a person to  
5 voluntarily elect to undergo the implantation of such a microchip or permanent  
6 identification marker; or (3) participating in a program established by another  
7 person, if the program authorizes a person to voluntarily elect to undergo the  
8 implantation of such a microchip or permanent identification marker. This bill also  
9 defines "microchip" for the purposes of this bill.

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

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

3 ***1. An officer or employee of this State or any political***  
4 ***subdivision thereof or any other person shall not:***



\* A B 2 2 6 R 1 \*

(a) Require another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature;

(b) Establish a program that authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; or

(c) Participate in a program established by another person, if the program authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.

2. 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.

3. 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.

(b) The term does not include a device that is subcutaneously implanted in a person, if the device:

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

(I) Is used for the purpose of self-expression; or

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

(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.

