

ASSEMBLY BILL NO. 226—ASSEMBLYMAN DALY

FEBRUARY 22, 2019

Referred to Committee on Judiciary

SUMMARY—Prohibits certain entities or persons from requiring another person to undergo implantation of a microchip or other permanent identification marker. (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 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:

1 This bill prohibits the following entities or persons from requiring another
2 person to undergo the implantation of a microchip or other permanent identification
3 marker of any kind or nature: (1) an officer or employee of this State or any
4 political subdivision thereof; (2) an employer who requires such an implant as a
5 condition of employment; (3) a person licensed to sell or provide insurance; or (4) a
6 person licensed to participate in a business related to bail. This bill also defines
7 “microchip” and “voluntarily” 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. It is unlawful for any entity or person described in*
4 *paragraphs (a) to (d), inclusive, to require another person to*
5 *undergo the implantation of a microchip or other permanent*
6 *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.

