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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.



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) MICROCHIP. A device subcutaneously implanted in an individual that is passively or actively capable of transmitting personal information to another device using radio frequency technology.

(2) VOLUNTARILY. Performed consciously as a result of effort or determination and without an incentive, inducement, or coercion. The term shall include, but not be limited to, the receiving by any individual, as a result of a free will decision of that individual, of an implanted device used in the diagnosis, monitoring, treatment, or prevention of a health condition that only transmits information necessary to carry out the diagnosis, monitoring, treatment, or prevention of that health condition.



57 (b) (1) It is unlawful for an employer, as a condition  
58 of employment, to require an employee to be implanted with a  
59 microchip or other permanent identification marker.

60 (2) It is unlawful for any individual including, but  
61 not limited to, any of the following individuals to require  
62 another individual to be implanted with a microchip or other  
63 permanent identification marker:

64 a. An officer or employee of this state or a political  
65 subdivision of this state.

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

68 c. An individual licensed to participate in a business  
69 related to bail pursuant to the Alabama Bail Bond Regulatory  
70 Act, Article 8, commencing with Section 15-13-200 of Chapter  
71 13, Title 15, Code of Alabama 1975.

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

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

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

83 Section 3. This act shall become effective on the first  
84 day of the third month following its passage and approval by



85 the Governor, or its otherwise becoming law.