

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1732

By: Dahm

AS INTRODUCED

An Act relating to labor; defining terms; forbidding employers from implanting microchips without employee consent; requiring employer to provide accommodations for employees who refused implantation; allowing for microchip implantation with employee consent; requiring removal of implant by employee request; providing for employee protection from medical expenses incurred by implantations; requiring employer to release information of microchip upon removal; directing Commissioner of Labor to promulgate rules; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 191.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Coerce" means:

a. the use of physical violence, a threat, intimidation, or retaliation with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not,

- b. the conditioning of a private or public benefit including, without limitation, employment, promotion, or another employment benefit with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not, or
- c. the use of any other means with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not;

2. "Employee" means a person who:

- a. is employed by an employer, or
- b. contracts to perform certain work away from an employer's premises, uses his or her own methods to accomplish the work, and is subject to the control of the employer only as to the results of performed work;

3. "Employer" means:

- a. an individual, partnership, association, corporation, commercial entity, this state, or a political subdivision of this state, or
- b. a person or a group that acts directly or indirectly in the interest of or in relation to an individual, partnership, association, corporation, commercial entity, this state, or a political subdivision of the state;

1 4. "Microchip" means technology that:

2 a. is designed to be implanted in the body of an
3 individual, and

4 b. contains a unique identification number or personal
5 information that can be noninvasively retrieved or
6 transmitted with an external scanning device; and

7 5. "Political subdivision" means a county, city, town, school
8 district, or other governmental or public entity located within this
9 state.

10 B. An employer shall not:

11 1. Ask on an application for employment or inquire during an
12 interview if a prospective employee will consent to having a
13 microchip in his or her body;

14 2. Require an employee to have a microchip implanted in the
15 employee's body as a condition of employment;

16 3. Coerce an employee into consenting to have a microchip
17 implanted in his or her body;

18 4. Create a hostile work environment for an employee who does
19 not consent to having a microchip implanted in his or her body;

20 5. Withhold advancement within the company from an employee who
21 does not consent to having a microchip implanted in his or her body;

22 6. Withhold a salary or wage increase from an employee who does
23 not consent to having a microchip implanted in his or her body; or
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1 7. Dismiss an employee based on the decision of the employee
2 not to consent to having a microchip implanted in his or her body.

3 C. An employer shall provide reasonable accommodations for an
4 employee who does not consent to having a microchip implanted in his
5 or her body.

6 D. 1. A microchip may be implanted in an employee's body at
7 the request of an employer if the employee provides the employer
8 with written consent.

9 2. An employee may request the removal of the microchip at any
10 time.

11 3. If an employee requests the removal of the microchip, the
12 microchip implant shall be removed within thirty (30) days of the
13 employee's request.

14 E. If an employee receives a microchip implant at the request
15 of an employer, the employer shall:

16 1. Pay all the costs associated with implanting and removing
17 the microchip;

18 2. Pay all the medical costs incurred by the employee as a
19 result of any bodily injury to the employee caused by the
20 implantation of the microchip or the presence of the microchip in
21 the employee's body; and

22 3. Disclose to the employee:

23 a. the data that will be maintained on the microchip, and
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1 b. how the data that is maintained on the microchip will
2 be used by the employer.

3 F. 1. If an employee is terminated from employment, the
4 microchip implant shall be removed from the employee's body within
5 thirty (30) days of the employee's termination.

6 2. An employee may elect to retain an implanted microchip after
7 the termination of the employee's employment.

8 3. If an employee elects to retain an implanted microchip after
9 termination of employment, the employee assumes responsibility for
10 all costs associated with the microchip, and subsection E of this
11 section shall not apply.

12 G. This section shall not prohibit an employer from using
13 alternative non-invasive technology that is intended to track the
14 movement of an employee who has given consent to be tracked during
15 the hours of work.

16 H. The Commissioner of Labor shall promulgate the rules to
17 implement the provisions of this act.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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