

Legislative Analysis



MICROCHIP PROTECTION ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5672 as introduced
Sponsor: Rep. Bronna Kahle
Committee: Commerce and Tourism
Complete to 6-9-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5672 would create a new act, the Microchip Protection Act, to prohibit employers from requiring employees or prospective employees to have devices put in their bodies as a condition of employment or an employment benefit.

Under the bill, an employer or agent of an employer could not require an employee or prospective employee to do any of the following as a condition of being employed, being employed in a particular position, or receiving additional compensation or other benefits:

- Implant or have implanted an acoustic, optical, mechanical, electronic, medical, or molecular device into his or her body.
- Inject or have injected such a device into his or her body.
- Ingest, inhale, or otherwise incorporate such a device into his or her body.

An employer could not discriminate against an employee with regard to compensation, other benefits, or any condition of employment based on the employee's refusal to take an action described above.

However, an employer could require an employee or prospective employee to comply with a court order directing the employee or prospective employee to take an action described above.

An employee or prospective employee could bring a civil action against an employer to enforce the above prohibitions. The court could do either or both of the following if, in such an action, an employer was found to have violated the above prohibitions:

- Award the prevailing employee or prospective employee actual damages, court costs and reasonable attorney fees, or both damages and those costs and fees.
- Enjoin further violation of this act.

Finally, the act states that it would not limit an employee's or prospective employee's rights or remedies under any other state or federal law.

FISCAL IMPACT:

House Bill 5672 would have an indeterminate fiscal impact on local court funding units. The fiscal impact would depend on how provisions of the bill affected court caseloads and related administrative costs.

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