

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4165**

BY DELEGATES MOYE, PAYNTER, BUTLER, E. EVANS,

FAST, R. MILLER, KESSINGER, AND FRICH

[Introduced January 17, 2018; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §21-3-23, relating to prohibiting employers from requiring employees to have  
 3 certain electronic devices implanted in or permanently attached to his or her body; and  
 4 providing criminal penalties for violators.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

**§21-3-23. Prohibiting employers from requiring microchips or electronic devices being implanted.**

1 (a) No employer may require a person to have a microchip or other electronic device  
 2 implanted in or permanently attached to the person’s body as a condition of employment.

3 (b) Any employer or agent thereof who violates this section is guilty of a misdemeanor  
 4 and, upon conviction, shall be fined \$500 for the first offense. An employer or agent thereof  
 5 convicted a second time under this provision shall be fined \$1,000. For the third and any  
 6 subsequent offense, the penalty is \$2,000.

NOTE: The purpose of this bill is to prohibit employers from requiring, as a condition of employment, the implanting of a microchip or other electronic device in or permanently attached to the body of the employee.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.