

House Bill 38

By: Representative Setzler of the 35<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding torts, so as to prohibit requiring a person to be implanted with  
3 a microchip; to provide for a short title; to provide for definitions; to provide for penalties;  
4 to provide for regulation by the Composite State Board of Medical Examiners; to provide for  
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known as the "Microchip Consent Act of 2009."

10 **SECTION 2.**

11 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
12 provisions regarding torts, is amended by adding a new Code Section 51-1-53 to read as  
13 follows:

14 "51-1-53.

15 (a) As used in this Code section, the term:

16 (1) 'Implantation' includes any means intended to introduce a microchip internally,  
17 beneath the skin, or applied to the skin of a person.

18 (2) 'Microchip' means any microdevice, sensor, transmitter, mechanism, electronically  
19 readable marking, or nanotechnology that is passively or actively capable of transmitting  
20 or receiving information. This definition shall not include pacemakers.

21 (3) 'Person' means any individual, irrespective of age, legal status, or legal capacity.

22 (4) 'Require' includes physical violence, threat, intimidation, retaliation, the conditioning  
23 of any private or public benefit or care on consent to implantation, including  
24 employment, promotion, or other benefit, or by any means that causes a person to  
25 acquiesce to implantation when he or she otherwise would not.

- 26 (b) No person shall be required to be implanted with a microchip.  
27 (c) This Code section shall be subject to a two-year statute of limitations beginning from  
28 the date of discovery that a microchip has been implanted.  
29 (d) Any person required to have a microchip implanted in violation of this Code section  
30 shall be entitled to pursue criminal charges in addition to filing a civil action for damages.  
31 Each day that a microchip remains implanted shall be subject to damages of not less than  
32 \$10,000.00 per day and each day shall be considered a separate violation of this Code  
33 section.  
34 (e) The voluntary implantation of any microchip or similar device may only be performed  
35 by a physician and shall be regulated under the authority of the Composite State Board of  
36 Medical Examiners."

37 **SECTION 3.**

38 This Act shall become effective on July 1, 2009.

39 **SECTION 4.**

40 All laws and parts of laws in conflict with this Act are repealed.