

Senate Bill 235

By: Senators Pearson of the 51st, Rogers of the 21st, Smith of the 52nd and Tolleson of the 20th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To provide for a short title; to amend Article 2 of Chapter 5 of Title 16 of the Official Code
2 of Georgia Annotated, relating to assault and battery, so as to prohibit requiring a person to
3 be implanted with a microchip; to provide for definitions; to provide for penalties; to provide
4 for regulation by the Georgia Composite Medical Board; to provide for related matters; to
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known as the "Microchip Consent Act of 2010."

9 **SECTION 2.**

10 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
11 assault and battery, is amended by adding a new Code section to read as follows:

12 "16-5-23.2.

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

14 (1) 'Implant' includes any means intended to introduce a microchip internally, beneath
15 the skin, or applied to the skin of a person.

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

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

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

24 (b) No person shall be required to be implanted with a microchip.

25 (c) Any person who implants a microchip in violation of this Code section shall be guilty
26 of a misdemeanor.

27 (d) Any person required to have a microchip implanted in violation of this Code section
28 may file a civil action for damages.

29 (e) The voluntary implantation of any microchip may only be performed by a physician
30 and shall be regulated under the authority of the Georgia Composite Medical Board."

31 **SECTION 3.**

32 This Act shall become effective on July 1, 2010.

33 **SECTION 4.**

34 All laws and parts of laws in conflict with this Act are repealed.