

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1401
Economic Matters

(Delegates Ali and Smigiel)

Radio Frequency Identification (RFID) Chip Implantation Prevention Act

This bill prohibits an employer from requiring, coercing, or compelling an employee to undergo the subcutaneous implantation of a Radio-Frequency Identification (RFID) Chip and establishes that an employee may initiate a civil cause of action against an employer for any violations. The bill authorizes the Attorney General to institute a civil action against an employer in violation to recover a civil penalty not exceeding \$10,000 for each day an implant remains in place. The Attorney General is also authorized to seek an injunction to prohibit an employer from engaging in further violations.

Fiscal Summary

State Effect: None. Any potential increase in the workload of the Judiciary or the Office of the Attorney General could be handled with existing resources. The civil penalty provisions of this bill are not expected to significantly affect State operations or finances.

Local Effect: None. Any potential increase in the workload of the circuit courts could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: None applicable.

Background: RFID is a generic term for the technologies most commonly found in small electronic devices consisting of a microchip and an antenna. In October 2004, the U.S. Food and Drug Administration approved an RFID for use in humans. Although RFID chips are generally used in payment and security systems and inventory tracking, they have also been used in humans via chips that can be implanted under the skin. Some employers, including a Cincinnati security firm, have implanted RFID devices to restrict access to secure areas. There are no known instances of employers in Maryland requiring their employees to use RFID chips.

The chips can also be used for medical purposes, as once implanted, a medical professional can retrieve a patient identifier to access the patient's medical information from a web site. Advocates claim that the chips ability to store medical information is particularly useful with Alzheimer's, dementia, and dialysis patients. However, concerns have been raised about the safety of the implants.

Wisconsin, New Hampshire, and North Dakota have passed legislation relating to RFID technology. Several other state legislatures have introduced legislation to regulate, ban, or study the use of RFIDs in humans.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

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mcp/jr

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