

Wisconsin Governor Signs 'Chip Implant' Bill

A state statute now prohibits the required implanting of a microchip in an individual.

By Beth Bacheldor

June 2, 2006—It's official: In Wisconsin, it is illegal for anyone—including employers or government agencies—to implant RFID microchips into people without their consent. Anyone who does will face fines of up to \$10,000. The state became the first to institute such legislation when Gov. Jim Doyle signed it into law on May 31.

State Rep. Marlin Schneider (D) introduced the legislation, [Assembly Bill 290](#), on April 4, 2005, primarily to protect individual rights so companies couldn't use the technology to track employees' every move (see [Wisconsin Bill to Ban Coerced Chip Implants](#)). "That is very intrusive, even more so than anything [George] Orwell ever dreamed of," Schneider said in early May, shortly after an amended version of the legislation cleared the [Wisconsin Assembly](#).

Although Wisconsin now has a law on the books limiting the implantation of RFID microchips in people, the state government still wants to investigate uses, including medical applications, where such technology makes sense. For example, [VeriChip](#) in Delray Beach, Fla., has created the VeriMed patient identification system, which is currently being tested on a small scale at several hospitals around the country (see [N.J. Hospital to Accept VeriChip IDs](#)). With VeriMed, hospital personnel can read a patient's unique ID number by waving an RFID reader over the general area of the implanted chip, then use that ID number to access a secure database containing identity and medical information.

According to Schneider, the Wisconsin Assembly has asked Schneider and others to look into applications of implanted microchips "where it might be useful even without consent, such as using a chip in an Alzheimer's patient, or in certain classes of criminals, such as sex predators." Even in such cases, he adds, "You still have to protect the civil rights of these people."

New Hampshire considered similar legislation, but ended up passing an amended version of a bill introduced in mid-April that called for a commission to study the use of radio frequency technology in the private and public sectors, as well as its benefits and potential privacy implications. New Hampshire Gov. John Lynch signed that bill into law on May 24. The state has 45 days from the law's passage to establish such a commission, according to a spokesman for the governor.

There are other states eyeing legislation governing the use of RFID, says Douglas Farry, a managing director of [McKenna, Long & Aldridge](#), a nationwide law firm focused on the intersection of public policy and technology.

Farry, however, says the Wisconsin law regarding the coerced implantation of an RFID chip may be misguided and unnecessary. "I'm surprised that you need a law to prohibit any government agency or private agency from performing unauthorized surgery on someone," he says. "The more important take-away for the RFID industry points to the need for a more aggressive and proactive strategy to promote positive images and

positive applications of RFID as a tool to improve lives, reduce risks, save costs and generally improve the lives of Americans, as opposed to letting RFID get defined as dangerous or shady."

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