

HOUSE No. 3228

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the regulation of subcutaneous implants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/20/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/27/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/3/2017</i>

HOUSE No. 3228

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 3228) of James M. Cantwell, Thomas J. Calter and Josh S. Cutler relative to the regulation of subcutaneous implants. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the regulation of subcutaneous implants.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 235, the following section:-

3 Section 236. (a) For purposes of this section, the following terms shall have the following
4 meanings:

5 “Subcutaneous Implant”, any device introduced, embedded, or inserted under or on an
6 individual’s skin.

7 “Data Storing Device”, shall include any device capable of storing data, actively or
8 passively transmitting or receiving information, or which contains an electronically readable
9 marking such as a microchip or radio frequency identification (RFID) tag. For purposes of this
10 chapter, such terms shall not include pacemakers.

11 “Require, coerce, or compel”, encompass physical violence; threats; intimidation;
12 retaliation; improper use of economic power; conditioning of any private or public benefit or
13 care on consent to implantation, including employment, promotion, or other employment benefit,
14 or by any means that would cause a reasonable person to acquiesce to implantation when they
15 otherwise would not.

16 (b) No person or entity shall require, coerce, or compel any individual to submit to a
17 subcutaneous implant of a data storing device.

18 (c) Any person implanted with a subcutaneous device that violates of paragraph (b) of
19 this section may bring a civil action for actual damages, injunctive relief, reasonable attorney’s
20 fees, and court costs.