

The Rise of Preemptive Bans on Human Microchip Implants

U.S. states are increasingly enacting legislation to preemptively ban employers from forcing workers to be “microchipped,” which entails having a subdermal chip surgically inserted between one’s thumb and index finger. Internationally, more than 50,000 people have elected to receive microchip implants to serve as their swipe keys, credit cards, and means to instantaneously share social media information. This technology is especially popular in Sweden, where chip implants are more widely accepted to use for gym access, e-tickets on transit systems, and to store emergency contact information.

According to Mississippi State Senator Kevin Blackwell (R), who proposed a state bill to preemptively ban human microchip implants in 2024, although no employers in his state are utilizing this technology, this technology poses a risk to employees’ rights. He said: “Technology today is advancing at a rapid pace and as a legislator we need to be aware of the use and misuse of this [microchip implant] technology.”

Currently 13 U.S. states have passed statutes banning mandatory human microchips: Arkansas, California, Missouri, Montana, Nevada, New Hampshire, North Dakota, Oklahoma, Utah, Wisconsin, Indiana, Alabama, and most recently Mississippi.

While microchips offer alluring benefits of convenience and speed, they also carry privacy and security concerns. Some technologists are worried that hackers targeting IoT vulnerabilities in sensors and network architecture may try to hack chip implants. According to microbiologist Ben Libberton of Sweden's Karolinska Institute, chip implants can reveal a lot of personal information, like “data about your health . . . data about your whereabouts, how often you’re working, how long you’re working, if you’re taking toilet breaks and things like that.” Another general security concern with NFC technology is that it could allow third parties to eavesdrop on device communication, corrupt data, or wage interception attacks, says NFC.org.

Additionally, there are health concerns associated with implanted microchips. According to a 2020 study from the American Society for Surgery of the Hand, RFID implants may cause adverse tissue reaction and lead to incompatibility with some magnetic resonance imaging (MRI) technology.

As the impact and influence of chip implants increases in the United States, it will lead to more discussions about the overall safety and security of this technology. Now is the time to raise ethical and legal questions for state legislatures to consider, such as third-party liability for cybersecurity, cybercrime risks, and individual privacy and data ownership rights.

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