
HOUSE BILL 2303

State of Washington

69th Legislature

2026 Regular Session

By Representatives Thomas, Parshley, Berry, Reed, Ramel, Obras, Street, Wylie, Taylor, Duerr, Kloba, Scott, Morgan, Ryu, Doglio, Gregerson, Ormsby, Goodman, Reeves, Macri, Fosse, Bergquist, Cortes, Hill, and Bernbaum

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1 AN ACT Relating to prohibiting employers from microchipping
2 employees; adding a new section to chapter 49.44 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44
6 RCW to read as follows:

7 (1) An employer may not request, require, or coerce any employee
8 to have a microchip implanted in the employee for any reason.

9 (2)(a) An employee alleging a violation of this section may file
10 a complaint with the department. The department shall investigate the
11 complaint. The department may issue either a citation and notice of
12 assessment or a closure letter.

13 (b) If the department finds that an employee's allegation cannot
14 be substantiated, the department shall issue a closure letter to the
15 employee and the employer detailing the department's finding.

16 (c) If the department finds that the employer violated this
17 section, the department shall issue a citation and notice of
18 assessment. For a first-time violation, the department shall order
19 the employer to pay the department a civil penalty of no less than
20 \$10,000. For repeat violations, the department shall order the

1 employer to pay the department a civil penalty of no less than
2 \$20,000 for each repeated violation.

3 (d) The department may collect unpaid citations pursuant to RCW
4 49.48.086.

5 (e) The department shall deposit civil penalties paid under this
6 section in the supplemental pension fund established under RCW
7 51.44.033.

8 (f) The department may issue subpoenas to compel the attendance
9 of witnesses or parties and the production of documents, administer
10 oaths and examine witnesses under oath, take depositions, and seek
11 affidavits or other verifications. The department may request an
12 employer to perform a self-audit of any records, which must be
13 provided within a reasonable time as specified in the self-audit
14 request. The records the employer examines for the self-audit must be
15 made available to the department upon request.

16 (g) An employer or employee aggrieved by a citation, assessment,
17 or determination issued by the department under this section may
18 appeal the citation, assessment, or determination to the director by
19 filing a notice of appeal with the director within 30 days of the
20 department's issuance of the citation, assessment, or determination.
21 A citation, assessment, or determination not appealed within 30 days
22 is final and binding and not subject to further appeal.

23 (h) A notice of appeal filed with the director under this section
24 stays the effectiveness of the citation, assessment, or determination
25 pending final review of the appeal by the director as provided for in
26 chapter 34.05 RCW.

27 (i) Upon receipt of a notice of appeal, the director shall assign
28 the hearing to an administrative law judge of the office of
29 administrative hearings to conduct the hearing and issue an initial
30 order. The hearing and review procedures must be conducted in
31 accordance with chapter 34.05 RCW, and the standard of review is de
32 novo. A party who seeks to challenge an initial order must file a
33 petition for administrative review with the director within 30 days
34 after service of the initial order. The director shall conduct an
35 administrative review in accordance with chapter 34.05 RCW.

36 (j) The director shall issue all final orders after appeal of the
37 initial order. The final order of the director is subject to judicial
38 review in accordance with chapter 34.05 RCW.

1 (k) Orders that are not appealed within the time period specified
2 in this section and chapter 34.05 RCW are final and binding and not
3 subject to further appeal.

4 (l) An employer who fails to allow adequate inspection of records
5 in an investigation by the department under this section within a
6 reasonable time period may not use such records in any appeal under
7 this section to challenge the correctness of any determination by the
8 department of penalties assessed.

9 (m) The department may adopt rules to implement this section.

10 (3) (a) In addition to filing a complaint with the department, an
11 employee aggrieved by a violation of this section may bring a civil
12 action in a court of competent jurisdiction.

13 (b) The employee must commence the civil action within three
14 years of the date of the alleged violation regardless of whether the
15 employee filed a complaint with the department.

16 (c) The court may award a prevailing employee injunctive relief,
17 actual damages, punitive damages, and reasonable attorneys' fees and
18 costs.

19 (4) For purposes of this section, the following definitions apply
20 unless the context clearly requires otherwise:

21 (a) "Department" means the department of labor and industries.

22 (b) "Director" means the director of the department of labor and
23 industries or the director's designee.

24 (c) "Employer" means any person, firm, corporation, partnership,
25 business trust, legal representative, or other business entity which
26 engages in any business, industry, profession, or activity in this
27 state and employs one or more employees, and includes the state, any
28 state institution, state agency, political subdivisions of the state,
29 and any municipal corporation or quasi-municipal corporation.

30 (d) "Employee" means an individual who is employed by the
31 employer or who is an applicant for employment with the employer.

32 (e) "Microchip" means a product, device, or technology that is
33 subcutaneously implanted in the body of an individual and contains a
34 unique identification number and personal information that can be
35 noninvasively retrieved or transmitted with an external scanning
36 device. "Microchip" does not include a device that is implanted in an
37 individual if the device is used in the diagnosis, monitoring,
38 treatment, or prevention of a health condition, and only transmits
39 such information as is necessary to carry out the diagnosis,
40 monitoring, treatment, or prevention of the health condition.

1 (f) "Subcutaneously" means beneath the skin. "Subcutaneously"
2 does not include information temporarily attached to the skin by an
3 adhesive strip or bracelet upon which or within which personal
4 information is maintained or stored.

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