
HOUSE BILL 3350

State of Washington 60th Legislature 2008 Regular Session

By Representatives Dunshee, Loomis, Morris, Hudgins, Wood, and Kenney

Read first time 02/05/08. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to preventing the implantation of identification or
2 tracking devices on persons without their consent; and adding a new
3 chapter to Title 7 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Entity" means an individual, corporation, business trust,
8 estate, trust, partnership, limited liability corporation, association,
9 foundation, joint venture, government, government subdivision, agency
10 or instrumentality, public corporation, or any other legal or
11 commercial entity.

12 (2) "Individual" means a unique, separate human being.

13 (3) "Identification or tracking device or mark" means any item,
14 application, device, marking, or other technology capable of storing or
15 passively or actively transmitting an individual's identity,
16 characteristics, status, group membership, travel history, or location,
17 or capable of storing or transmitting a number, symbol, signal,
18 pattern, or other identifier that could be linked with any such
19 information.

1 (4) "Track" means to locate, follow, or monitor.

2 (5) "Discriminate" means to make distinctions, have bias,
3 prejudice, or partiality.

4 NEW SECTION. **Sec. 2.** An entity may not require an individual to
5 have an identification or tracking device or mark implanted or
6 permanently or semipermanently incorporated into or on the body, skin,
7 teeth, hair, or nails of that individual.

8 NEW SECTION. **Sec. 3.** An identification or tracking device or mark
9 may not be implanted or incorporated into or on the person of an
10 individual without that individual's informed written consent. Consent
11 of a guardian, guardian ad litem, attorney-in-fact, parent, or other
12 agent shall not be considered adequate consent.

13 The individual undergoing implantation or incorporation of an
14 identification or tracking device or mark must be at least eighteen
15 years of age and of sound mind to grant consent.

16 NEW SECTION. **Sec. 4.** An identification or tracking device or mark
17 may not be implanted or incorporated into or on a human corpse.

18 NEW SECTION. **Sec. 5.** An entity may not use an identification or
19 tracking device or mark in or on the person of an individual to
20 identify that individual or as a means of, or aid to, tracking that
21 individual, without the consent of the individual being identified or
22 tracked.

23 NEW SECTION. **Sec. 6.** An entity shall not use the absence of an
24 identification or tracking device or mark as a basis for discriminating
25 against an individual for any purpose whatsoever including, but not
26 limited to, employment, housing, insurance, medical care, voting,
27 education, travel, or commerce.

28 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
29 a new chapter in Title 7 RCW.

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