

HOUSE BILL No. 5016

September 27, 2017, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

A bill to allow implanting a microchip in certain individuals; and to prescribe the powers and duties of certain health care professionals.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Child" means an individual who is under 18 years of age,
3 who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, and
4 who lives with a parent or guardian.

5 (b) "Child or youth with special health care needs" means that
6 term as defined in section 5801 of the public health code, 1978 PA
7 368, MCL 333.5801.

8 (c) "Health care professional" means an individual licensed or
9 otherwise authorized to practice medicine under article 15 of the

1 public health code, 1978 PA 368, MCL 333.11601 to 333.18838.

2 (d) "Vulnerable adult" means that term as provided in section
3 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m.

4 Sec. 3. At the request of the custodial parent or a guardian
5 of a child or youth with special health care needs, a health care
6 professional may implant a microchip into that child for the
7 purpose of identifying or locating that child if he or she becomes
8 lost or missing.

9 Sec. 5. At the request of the guardian of a vulnerable adult,
10 a health care professional may implant a microchip into that
11 vulnerable adult for the purpose of identifying or locating the
12 vulnerable adult if he or she becomes lost or missing.

13 Enacting section 1. This act takes effect 90 days after the
14 date it is enacted into law.

Legislative Analysis

MICROCHIP IMPLANTATION



House Bill No. 5016 as introduced
Sponsor: Sen. Peter Lucido
Committee: Judiciary

SUMMARY

HB 5016 would create a new act where children or youth with special healthcare needs and vulnerable adults may be implanted with a microchip by a health care professional at the bequest of a parent or guardian. This chip is intended to help track and identify the individual if he or she becomes lost or missing.

This act defines a *child* as an unemancipated individual under 18 years of age.

This act defines *child or youth with special healthcare needs* as a single or married individual under 26 years of age whose activity is or may become so restricted by disease or specified medical condition as to reduce the individual's normal capacity for education and self-support.

This act defines *vulnerable adult* as:

- 1) An individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently.
- 2) A person who is placed in an adult foster care family home or an adult foster care small group home.
- 3) A vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited.

This act defines *health care professional* an individual licensed or otherwise authorized to practice medicine.

APPARENT PROBLEM

The bill sponsors hold that the demographics addressed in this bill are at a higher risk of being lost or going missing. The bill seems to primarily be concerned about individuals who are operating on low mental capacity and may pose a higher risk of leaving their caretakers and forgetting where they are. This bill could also be applied to kidnapping situations as the specified demographics are more susceptible to exploitation.

SUPPORTING ARGUMENTS

A Washington Post study was done in 2023 recounting multiple incidents of nursing home residents wandering away from their care facilities (termed “elopement” within the industry)¹. This report states that between 2018 and 2023, over 2,000 assisted living and dementia care patients have eloped from their care facilities. Roughly 100 of these incidents resulted in death for the eloper usually due to exposure to the elements.

A report from the Detroit Free Press also noted that the city of Detroit has seen a particular rise in missing person reports. According to the article, the number of missing person reports grew by 18% between 2023 and 2024 totaling roughly 3,100 cases. “Many have involved people who are vulnerable: elderly residents with dementia, people living with mental health issues and teenagers who left their homes without permission... Mental health issues or dementia were listed in roughly one out of three

cases.”² If this bill were to pass, elopers would be able to be located much more quickly and diminish the number of fatalities.

OPPOSING ARGUMENTS

While the number of vulnerable adults in particular has shown a significant increase over the last few years, this bill merely makes it easier to find said individuals and does not address underlying issues considering lack of care for this population. According to U.S. News, key triggers for elopers include:

- A desire to go home, even if the facility is their current home.
- Stress or discomfort in a situation or environment.
- Pain.
- Disorientation.
- Forgetting where they were intending to go.
- Searching for a lost item.
- Lack of sleep.
- Loneliness.
- Boredom.
- A need to release pent-up or excess energy.
- Hunger.
- Incorrect or overuse of certain medications.

While not all of these triggers are able to be externally controlled, many of them can. Creating a less stressful environment, monitoring to make sure patients get adequate sleep, providing activities for engagement, proper food regiments, and proper administration of medication are all methods to aid the vulnerable adult’s willingness to stay in the care facility. According neurology specialist, Pascual-Leone, “Trying to restrain or restrict the mobility of the person will tend to make matters worse and lead to distress and behavioral problems”³ It is distinctly possible that this bill, not only neglects the need for more intentional care in care facilities, but it may exacerbate the problem by removing the individuals sense of autonomy adding distress and potentially leaving room for further negligence.

FISCAL IMPACT

House Bill 5016 would have a nominal fiscal impact. The bill only allows for the implantation of microchips and does not present any additional state action that is to be taken. Some effect may be seen on the effectiveness of the local and state police as it could significantly reduce the time spent on any one specific missing person’s case.

References

- 1) Rowland, C. Et al. (December 17, 2023). “Dozens of Assisted-Living Residents Died After Wandering Away Unnoticed.” Published by the Washington Post.
- 2) Tanner, K. Kaufman, G. (December 19, 2024). “Detroit sees surge in missing person reports in 2024.” Published by the Detroit Free Press.
- 3) Howley, E. (March 29, 2024). “Wondering and Elopement in Nursing Homes: What to Know.” Published by U.S. News.