

### American Medical Association Adopts Landmark Policy on Neural Data Privacy

July 2, 2025

The American Medical Association (AMA) House of Delegates has unanimously adopted Resolution 503, "Safeguarding Neural Data Collected by Neurotechnologies." This new policy cements the AMA's support for comprehensive protections governing the collection, use and disclosure of "neural data" – and sets a medical consensus definition of the term.

## Key elements of the AMA policy

- Formal definition of neural data: The resolution defines neural data as "information obtained by measuring the activity of a person's central or peripheral nervous system through the use of neurotechnologies." Importantly, the policy clarifies that neural data does not include data inferred from non-neural sources, such as traditional biometric sensors.
- Support for legislative and regulatory action: The AMA expressly endorses enactment of laws and regulations that safeguard the privacy and security of neural data, and prohibit discrimination or other inequitable uses of neurotechnology.
- Opposition to overbroad definitions: The resolution directs the AMA to oppose efforts to expand the definition of neural
  data to encompass "data inferred from non-neural information," underscoring the organization's view that neural signals merit
  unique treatment distinct from broader categories of biometric or physiological data.
- Focus on nondiscrimination and fair access: The AMA calls for algorithms and use cases involving neurotechnology to
  incorporate nondiscrimination principles, and for regulatory guidelines to address equity and justice in access to
  neurotechnology-enabled therapies and enhancements.

### Why the resolution matters

- Authoritative medical guidance: As the largest US physician association, the AMA's policy statements may influence federal agencies, state legislatures and private accrediting bodies. The endorsement of neural data protections may spur additional rulemaking and professional-society guidance.
- Alignment with emerging state laws: The AMA definition and core principles mirror recent statutory language adopted in Colorado, California and Montana. This alignment strengthens the likelihood that other jurisdictions will follow a similar approach.

#### Definition of neural data still varies across jurisdictions

The AMA's resolution adopts a definition of neural data that closely mirrors those in recently enacted laws in California, Colorado and Montana, further entrenching this approach as the emerging standard in US law and policy. Unlike Connecticut, which omits data from the peripheral nervous system from its definition, the AMA's definition includes all data measured from the nervous system, regardless of context or sensitivity. This distinction reflects ongoing variation in how neural data is defined across jurisdictions.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty

to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our <u>legal notices</u>.

# **Key Contacts**

Kristen Mathews New York	kmathews@cooley.com
-----------------------------	---------------------

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.