

# Wave of State Legislation Targets Mental Privacy and Neural Data

May 13, 2025

As neurotechnology advances and brain-reading devices enter consumer, workplace, educational and healthcare markets, state lawmakers are moving swiftly to address the privacy and ethical concerns these technologies raise. Following the passage of neural privacy laws in California, Colorado and Montana, at least 15 additional bills are pending in state legislatures across the country – each seeking to regulate the collection and use of neural data.

## What is mental privacy?

Mental privacy refers broadly to the protection of data generated by or inferred from a person's brain activity. This includes not only neurological data, but also inferences about emotions, attention, preferences and decision-making. The emerging laws treat this category of data as uniquely sensitive, warranting distinct legal safeguards.

## Key themes in state legislation

Across these pending bills, the following regulatory themes have emerged:

- Transparency: Clear privacy notices about neural data collection and use
- Consent: Explicit, purpose-limited consent for neural data processing
- Individual rights: Rights to access, correct and delete neural data
- Commercial use restrictions: Limits on the sale and marketing use of neural data
- Workplace protections: Bans or strict limits on using neural data for surveillance or decision-making in employment contexts, even with employee consent
- Special protections for minors and prohibitions on mind manipulation or interference with decision-making

Some proposals go further, creating new rights specific to cognitive autonomy – such as protections against mind alteration or manipulative interventions based on neural signals.

## Why it matters

Companies developing or deploying neurotechnologies, especially those involving wearables, wellness applications, biometric devices or employee productivity tools, should prepare now for a shifting compliance landscape. Legal obligations will likely vary significantly by state, sector and use case.

## Action items for clients

- Audit technologies for neural data collection or inference, including emotion recognition and mental state prediction.
- Update privacy notices and consent flows to reflect neural-specific requirements.
- Review workplace practices, especially uses of neurotechnology in hiring, monitoring or productivity analysis.
- Monitor state legislative activity and prepare for a patchwork of compliance obligations.

This is a fast-moving area of law with profound implications for consumer rights, workplace governance and the future of cognitive liberty.

# Pending state mental privacy and neural data bills (2025)

## Alabama

- [HB 436](#)

## California

- [SB 7](#)
- [SB 44](#)
- [SB 354](#)
- [AB 1221](#)
- [AB 1337](#)

## Connecticut

- [SB 1356](#)

## Illinois

- [HB 2984](#)

## Massachusetts

- [H 103](#)

## Minnesota

- [SF 1240](#)

## Vermont

- [S.69](#)
- [S.71](#)
- [H.208](#)
- [H.210](#)
- [H.366](#)

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 [legal notices](#).

# Key Contacts

|                                    |                            |
|------------------------------------|----------------------------|
| <b>Kristen Mathews</b><br>New York | <b>kmathews@cooley.com</b> |
|------------------------------------|----------------------------|

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.