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Wave of State Legislation Targets Mental Privacy and Neural Data

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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

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