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June 25, 2024

The Honorable Assemblymember Bauer-Kahan
1020 N Street, Room 162
Sacramento, CA 95814

Dear Assemblymember Bauer-Kahan,

The American Academy of Neurology (AAN) is the world's largest association of neurologists and neuroscience professionals, with over 40,000 members. The AAN's mission is to enhance member career fulfillment and promote brain health for all. A neurologist is a doctor with specialized training in diagnosing, treating, and managing disorders of the brain and nervous system such as Alzheimer's disease, stroke, concussion, epilepsy, Parkinson's disease, multiple sclerosis, headache and migraine.

The AAN writes to express our support for SB 1223, which is a significant step towards protecting the privacy and autonomy of Californians in the face of advancing neurotechnology.

In recent years, the landscape of neurotechnology has grown substantially within the global marketplace. Innovations such as brain-computer interfaces (BCIs) and neurostimulation devices hold the promise of groundbreaking advancements, spanning from aiding individuals with neurological disabilities to augmenting cognitive abilities. This data is highly sensitive and without adequate safeguards, there is a risk of this data being exploited without the individual's consent.

While the California Consumer Privacy Act (CCPA) raised the bar for data protection standards, its scope falls short of explicitly addressing neural data. As the wearable neurotechnology market expands, this gap in regulation threatens patient privacy, with significant implications for the ethical handling of neural data.

SB 1223 would rectify this gap by classifying neural data as sensitive information under the CCPA. By furnishing precise definitions for neural data and neurotechnology, this bill provides much-needed clarity and guidance for both individuals and businesses.

On behalf of the AAN, our 40,000 members, and their patients, we urge a favorable vote on SB 1223. If you have any questions, please contact Grant Niver, Senior State Affairs Program Manager, at gniver@aan.com. Thank you for your consideration.

Sincerely,

Carlayne E. Jackson, MD, FAAN
President, American Academy of Neurology