



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

January 30, 2026

The Honorable Aaron Michlewitz
Chair, House Committee on Ways & Means
State House, Room 243
Boston, MA 02133

Dear Chair Michlewitz:

The Massachusetts Medical Society (MMS) is a professional association of over 23,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, for a better health care system, and on behalf of physicians, to help them provide the best care possible. In furtherance of this commitment, we strongly support the neural data (formerly H.103) and location shield provisions contained within the redrafted *H.4746, An Act establishing the Massachusetts Consumer Data Privacy Act*, which aims to protect the data rights, privacy, and personal safety of our patients and health care providers.

Neural technology has grown substantially in recent years and that growth is only going to accelerate in the coming years. Many new technologies, such as brain-computer interfaces (BCIs) and neurostimulation devices hold tremendous promise for helping individuals with neurological disabilities and augmenting cognitive abilities. While these technologies are exciting and very promising, the data they collect is extremely sensitive, and there are few safeguards in place to prevent the data from being exploited without the individual's consent.

There are dozens of companies in the United States collecting neural data from consumers, many using simple devices such as wellness headbands or earbuds. There are terabytes of neural data being collected and, unlike medical data collected in a clinical setting such as a hospital or physician practice, there are no privacy protections. Existing data privacy safeguards, such as HIPAA, do not apply to neural data collected by a wellness device. The Medical Society has grave concerns that the aggregated neural data collected by these products could be sold to third parties or used to manipulate or discriminate against consumers based on their health conditions.

H.4746 addresses this risk by classifying neural data as sensitive covered data, requiring companies to obtain clear, informed, and voluntary consent before collecting or processing it. These provisions empower individuals by granting them the right to access, correct, delete, and transfer their neural data, ensuring they maintain control over their most personal and intimate information.



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We also strongly support the inclusion within H. 4746 of many provisions from the Location Shield Act, banning the sale of location data and placing limits on what companies can do with sensitive data. In recent years, individuals' privacy has been increasingly compromised due to the sale and unregulated use of personal location data by data brokers. This information—collected by apps on our cell phones—has been sold, leased, and traded, without any meaningful consent from consumers. The sale of location data is not just an invasion of privacy; it poses a tangible threat to the safety and security of vulnerable individuals, including patients seeking reproductive health care services, gender-affirming care, and other sensitive medical treatments.

The growing market for this information has already led to the targeting of individuals in Massachusetts seeking reproductive health care. For example, an anti-abortion political group used mobile phone location data to send misinformation to people who visited 600 Planned Parenthood clinics in locations across the country, including in Massachusetts.¹ The unfettered ability of companies to sell the detailed location data of people visiting reproductive health clinics enables bad actors to surveil, harass, and intimidate patients and clinicians.

The MMS is also deeply concerned about the risk that the same data practices pose to transgender patients and their health care teams. In Massachusetts and across the country, threats of violence⁶ against physicians, hospitals, and families involved in providing or seeking evidence-based gender-affirming care have been on the rise.² The fear of surveillance can deter individuals from seeking necessary care, further exacerbating existing disparities in health care access. Patients seeking abortion care, LGBTQ individuals, and those from lower socioeconomic backgrounds may be especially vulnerable to this chilling effect.

This bill represents a crucial step toward safeguarding the privacy of all residents in Massachusetts, particularly those who may be most vulnerable to the exploitation of their location data.

Thank you for your attention to these comments.

Sincerely,

Leda Anderson
Director, Advocacy & Government Relations
Massachusetts Medical Society

¹ Politico. 2.13.24. *A company tracked visits to 600 Planned Parenthood locations for anti-abortion ads, senator says.* <https://www.politico.com/news/2024/02/13/planned-parenthood-location-track-abortion-ads-00141172>

² American Academy of Pediatrics. Policy Statement. October 2018. *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents.* <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for>