

## S.F. No. 1110 – Establishing neurotechnology rights

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### Summary

**Section 1. Right to mental data.** Amends the Minnesota Government Data Privacy Act. Provides that an individual has the right to mental privacy and cognitive liberty. Prohibits a government entity from collecting data transcribed directly from brain activity and interfering with the free and competent decision making of an individual when making neurotechnology decisions.

### Section 2. Neurotechnology.

**Subdivision 1. Definitions.** Defines “brain-computer interface,” “consciousness bypass,” and “neurotechnology.”

**Subd. 2. Neurotechnology rights.** Provides that an individual has the right to: (1) change a decision regarding neurotechnology and to determine the means to change that decision; (2) mental integrity and protection from neurotechnological interventions of the mind or unauthorized access to an individual’s brain activity; and (3) psychological continuity and protection from unauthorized neurotechnological alterations in mental functions critical to personality.

**Subd. 3. Data collection consent.** Requires a company that records and stores data via a brain-computer interface to provide the following notice to the users: (1) the uses that the data may be used for by the company; and (2) the third parties that will receive the data. Requires that the individual provide consent for each use and sharing with a third party using a separate consent form for each use and each third party.

**Subd. 4. Consciousness bypass prohibition.** Prohibits a company from using a brain-computer interface to bypass conscious decision-making. Provides an exemption if an individual provides informed consent before a medical procedure designed to bypass conscious decision-making.

**Subd. 5. Enforcement; civil penalty.** Imposes a civil penalty of \$10,000 per incident if a company violates subdivision 3 or 4 and authorizes the attorney general to recover the penalties.

**Section 3. Penalty.** Provides that a person who damages, destroys, or alters a computer having a brain-computer interface may be sentenced to imprisonment for not more than ten years or a payment of a fine not to exceed \$50,000, or both.

**Section 4. Gross misdemeanor.** Provides that a person who commits the crime of unauthorized computer access and gains access to a system that includes a brain-computer interface is guilty of a gross misdemeanor.