

**HB263 INTRODUCED**



1      HB263  
2      EJLHP2C-1  
3      By Representative Robbins  
4      RFD: Judiciary  
5      First Read: 15-Jan-26



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4     SYNOPSIS:

5                 This bill would prohibit certain covered  
6     entities that maintain biological data or neural data  
7     from transferring or disclosing a consumer's biological  
8     data or neural data to a third party without the  
9     express consent of the consumer.

10                This bill would prohibit a covered entity from  
11    using a consumer's biological data or neural data for a  
12    purpose other than what is necessary to perform the  
13    services or provide the goods requested by the  
14    consumer.

15                This bill would prohibit a covered entity from  
16    marketing to a consumer based on the consumer's  
17    biological data or neural data.

18                This bill would require a covered entity to  
19    notify a consumer before his or her biological data or  
20    neural data is otherwise transferred, disclosed, or  
21    used, and would provide the consumer the ability to  
22    limit or prevent the transfer, disclosure, or use of  
23    the data.

24                This bill would also allow the Consumer Interest  
25    Division of the Office of the Attorney General to  
26    enforce this act and levy a civil penalty of \$3,000 per  
27    violation.

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30 A BILL  
31 TO BE ENTITLED  
32 AN ACT

34 Relating to consumer protections; to prohibit a covered  
35 entity from disclosing, transferring, or taking certain other  
36 actions with regard to a consumer's biological data or neural  
37 data without the consumer's express consent; to authorize the  
38 Office of the Attorney General to enforce; and to provide a  
39 civil penalty for violations.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41                   Section 1. For the purposes of this act, the following  
42    terms have the following meanings:

43 (1) BIOLOGICAL DATA. Data generated by: (i) the  
44 technological processing, measurement, or analysis of an  
45 individual's biological, genetic, biochemical, physiological,  
46 or neural properties, compositions, or activities; or (ii) an  
47 individual's body or bodily functions, which are used or  
48 intended to be used for identification purposes.

49 (2) CONSUMER. Any individual who is an Alabama  
50 resident.

51 (3) COVERED ENTITY. Any individual or entity that  
52 maintains, owns, or licenses biological data or neural data in  
53 the course of the individual's or entity's business, vocation,  
54 or occupation.

55 (4) EXPRESS CONSENT. A consumer's acknowledgment or  
56 permission, in writing or captured electronically, to a clear,



57 meaningful, and prominent written notice regarding the  
58 disclosure or use of the consumer's biological data or neural  
59 data.

60 (5) NEURAL DATA. Information that is generated by the  
61 measurement of the activity of an individual's central or  
62 peripheral nervous systems and that can be processed by or  
63 with the assistance of a device.

64 Section 2. (a) A covered entity may not do any of the  
65 following without the express consent of the consumer, given  
66 before each specific transfer, disclosure, or use takes place:

67 (1) Transfer a consumer's biological data or neural  
68 data to a third party.

69 (2) Disclose the consumer's biological data or neural  
70 data to a third party for a reason other than fulfillment of  
71 the entity's products or services.

72 (3) Use the consumer's biological data or neural data  
73 for a purpose other than what is necessary to perform the  
74 services or provide the goods reasonably expected by an  
75 average consumer who requests those goods or services.

76 (4) Market to a consumer based on the consumer's  
77 biological data or neural data.

78 (b) A covered entity that transfers, discloses, or uses  
79 a consumer's biological data or neural data for purposes other  
80 than those provided in subsection (a), before the transfer,  
81 disclosure, or use, shall notify the consumer that the  
82 information may be transferred, disclosed, or used for a  
83 specified purpose and provide the consumer the opportunity to  
84 limit or prevent the transfer, disclosure, or use of the

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85 biological data or neural data.

86       Section 3. (a) Any consumer may report a violation of  
87 this act to the Consumer Interest Division of the Office of  
88 the Attorney General.

89       (b) The Consumer Interest Division of the Office of the  
90 Attorney General may enforce this act by a civil action in  
91 circuit court to enjoin any practice or conduct in violation  
92 of this act or to recover a civil penalty of up to three  
93 thousand dollars (\$3,000) for each violation.

94       (c) Any civil penalty and costs may be waived if the  
95 covered entity has made full restitution or has paid actual  
96 damages to any consumer who has been injured by a violation of  
97 this act.

98       (d) In any settlement of a claim or civil action  
99 resulting from a violation of this act, the Office of the  
100 Attorney General shall receive reasonable attorney fees and  
101 costs.

102       Section 4. This act shall become effective on October  
103 1, 2026.