



April 9, 2026

The Honorable Rebecca Bauer-Kahan
Chair of the Privacy and Consumer Protection Committee
1021 O Street, Room 1100
Sacramento, CA 95814

RE: ATA ACTION OPPOSITION TO AB 1542 UNLESS AMENDED

Dear Chair Bauer-Kahan and members of the Privacy and Consumer Protection Committee,

On behalf of ATA Action, I am submitting the following comments in opposition to Assembly Bill 1542 unless amended. While our organization agrees that the privacy of patient data is paramount to the healthcare system, ATA Action has several concerns that this legislation runs counter to sound data privacy policy by banning, without exemption, the selling or sharing of sensitive personal information.

ATA Action is the affiliated policy and legislative advocacy arm of the American Telemedicine Association. ATA Action is the leading advocacy organization dedicated to advancing policy and accelerating the adoption of technology-enabled healthcare. We represent a diverse membership – including hospital systems, technology companies, professional associations, direct-to-consumer digital health providers, payers, pharmaceutical manufacturers, digital therapeutics developers, and remote monitoring organizations.

Our organization is deeply concerned about the blanket prohibition on the selling or sharing of sensitive personal information to third parties included in the new 1798.121(e). Many healthcare entities use third party technology vendors on their public facing websites and homepages, from virtual-only providers serving specific patient populations to large hospital and health systems. These vendors assist the healthcare entity, and healthcare systems as a whole, in a wide variety of ways. Examples of the benefits of data sharing with third-party technology vendors include using the information to create a more personal experience for the user by showing digital maps of healthcare locations close to them, advertisements of potential health related interests and identifying potential need for translation services. This data sharing can also provide crucial analytics regarding community concern or interest in certain treatments or areas of care, aiding providers and health systems in workforce alignment and resource distribution while also helping to identify areas of websites that patients are struggling to navigate. We are concerned that this sweeping new mandate would prohibit entities from using any third-party technology on public facing websites, even where there is patient consent to share data, undermining the benefits enumerated above.

Furthermore, we are concerned that the strict mandate against the share and sale of data contemplated in this Act—a provision we are unaware of in any state law—would create inconsistent and conflicting obligations when the “sensitive data” at issue would not constitute PHI under HIPAA or medical information under CMIA, both of which are exempt from the Act and permit sharing (and sale) of medical information with consent.

To be clear, ATA Action shares the sponsors’ intent to protect sensitive data and our [Data Privacy Principles](#) emphasize that collection and use of sensitive data should always require explicit disclosure to,

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and consent from, the consumer. Should the Legislature determine that policy change in this space is required, we encourage the strengthening of existing consent frameworks or amendments to ensure that patients can consent to the use of their own data. Specifically, we respectfully request the provision regarding the sharing or sale of sensitive data align with HIPAA, CMIA and other states, such that “a business, service provider, or contractor shall not share or sell sensitive personal information to a third party *without consent from the consumer.*”

Thank you for your consideration of our comments. We encourage you and your colleagues to consider amendments to AB 1542 to ensure easy and efficient access to high-quality health care services in California. If you have any questions or would like to discuss the digital health industry’s perspective further, please contact me at hyoung@ataaction.org.

Kind regards,

A handwritten signature in black ink that reads "Hunter Young". The signature is written in a cursive, flowing style.

Hunter Young
Head of State Government Relations
ATA Action