

In support of California AB 254

To the California State Assembly:

The undersigned are writing to express support for California AB 254 – amending the Confidentiality of Medical Information Act to include reproductive or sexual health application information – introduced by Assemblymember Rebecca Bauer-Kahan this session.

After the Supreme Court overturned *Roe v. Wade* – ending the constitutional right to an abortion – many reproductive health app users may be newly worried that data about their fertility, missed periods, and more could be used against them in civil or criminal court. Those concerns could be justified, as many reproductive and sexual health apps collect and retain troves of personal data. In a study of popular health wearables, pregnancy trackers, and period trackers that Mozilla reviewed in [recent research](#), over [75%](#) of products collect vast amounts of personal data, and then share it widely. Another [study](#) from Consumer Reports found that none of the leading menstrual tracking apps offer transparency about who they share data with, including potential sharing with law enforcement. The data that users provide to apps can be sold and used in criminalizing these individuals for the care they receive or for predatory advertising based on a diagnosis. In addition to the legal risks, being tracked across the internet with ads about this sensitive information can be incredibly stigmatizing and dissuades people from getting vital care.

California AB 254 would revise the definition of “medical information” in the Confidential Medical Information Act (CMIA) to include reproductive or sexual health app information – which would prohibit digital applications from intentionally sharing or selling reproductive or sexual health data for any purpose not necessary to provide health care services to a patient, except as provided.

We live in a surveillance state in which our data is often collected and retained with very limited user transparency or control, which is why it’s critical we restrict the sensitive information that apps can retain. Until further action is taken, people will either feel unable to track their own health data safely via app or will be at risk of harassment or criminal targeting if they do, both of which can result in difficulty or delay in receiving reproductive health care. The lack of data privacy and protection disproportionately hurts those most impacted by systemic and historical oppression, including Black women and women of color, immigrants women, working class women, and LGBTQ+ people. These inequalities across demographics only increase in the context of who has historically been hurt deepest by the surveillance state and who has had greater access to better public health and reproductive care. We call on California lawmakers to protect sexual and reproductive health information and support AB 254.

The undersigned,

