

# California

## California Bans AI Tools That Recognize Employee Emotions

On Sept. 30, 2026, California passed a [law](#) prohibiting employers from using workplace surveillance tools that use artificial intelligence (AI) to collect neural data or recognize a person's emotional state. The law takes effect **Jan. 1, 2027**.

### Overview of the New Law

The new law prohibits employers from using workplace surveillance tools that:

- Recognize or make inferences about an individual's emotional state; or
- Collect neural data (i.e., information that is generated by measuring the activity of an employee's central or peripheral nervous system, and is not inferred from nonneural information).

**"Workplace surveillance tool"** means a system, application, instrument or device that collects or facilitates the collection of employee data, activities, communications, actions, biometrics or behaviors other than by direct human observation, including but not limited to video or audio surveillance, continuous incremental time-tracking tools, geolocation, electromagnetic tracking, photoelectronic tracking, or that uses a photo-optical system or other means.

### Exceptions

The law does not prohibit employers from using workplace surveillance tools to ensure safety.

Additionally, workplace surveillance tools used by an employer relating to the development of aircraft for use in the national airspace or products or services for national security, military, space or defense purposes are permitted if necessary to comply with a federal statute, regulation or contract.

### Enforcement and Penalties

The law may be enforced by the labor commissioner or a public prosecutor. Employers who violate the law may be subject to a statutory or civil penalty of up to \$500 per violation, injunctive relief (including punitive damages), and reasonable attorney fees and costs.

### Next Steps for Employers

Employers should review existing employee monitoring technology to determine whether it may fall under the law's definition of workplace surveillance tools and, if so, whether it may violate the new law. Any noncompliant tools should be modified or eliminated prior to the law's effective date.

### Highlights

#### Sept. 30, 2026

California passes a law banning employers from using workplace surveillance tools to collect neural data or recognize an individual's emotional state.

#### Jan. 1, 2027

The new law takes effect.