OFFICE OF THE GOVERNOR

SEP 29 2024

To the Members of the California State Assembly:

I am returning Assembly Bill 2058 without my signature.

This bill would require devices that analyze information originating from a physiological source — such as heartbeat, blood pressure, and body temperature — to include a disclosure about the device's limitations based on certain characteristics of the person using the device, including age, color, disability, ethnicity, gender, or race.

This bill has a well-intentioned health equity goal. However, I am concerned that the language may create confusion and implementation challenges for the state and manufacturers. "Medical devices" that read these same physiological measurements are subject to labeling standards that must comply with federal law including the U.S. Food and Drug Administration's (FDA) regulations. While this bill aims to apply to a subset of "devices" that are not subject to these federal laws, it is unclear which products this bill does and does not capture. I encourage the author and the Legislature to revisit this worthy goal in a manner that provides more clarity for regulatory agencies and product manufacturers.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom