



Highlights this week include a flurry of new bills introduced before Congress's August recess and new legislation in Colorado on DTC drug ads.

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### News of Interest

- [Sen. Hawley Targets Infinite Scrolls, Autoplay, Other 'Addictive' Big Tech Practices](#), MediaPost, July 31, 2019
- [Hazy Legal Territory Forged With California Digital-Privacy Law](#), Courthouse News, July 31, 2019

### Word on the Street

- From Connecticut AG William Tong:

Attorney General William Tong issued the following statement today regarding news that a hacker obtained the personal information of more than 100 million Capital One customers. "As we saw with Equifax, failure to properly secure personal information has consequences — for both consumer victims and corporations. When corporations fail to take reasonable security measures, they must be held accountable. My office has initiated a review of the circumstances of this latest breach and is prepared to take action if warranted," said Attorney General Tong. Connecticut co-led the investigation into the Equifax data breach that resulted in a [\\$600 million settlement](#) earlier this month—the largest such breach settlement in history.

## Upcoming ANA Events

- [Brand Activation Legal Webinar](#) - August 13, 2019
- [Brand Activation Legal Committee Webinar](#) - August 22, 2019
- [Government Relations Committee Meeting & Capitol Hill Day](#) – September 11, 2019, Washington, D.C.
- [Legal Affairs Committee Meeting](#) – October 16, 2019, New York, N.Y.
- [ANA/BAA Marketing Law Conference](#) – November 4 – 6, 2019, San Diego, Ca.

## Federal Affairs

### New Bills Introduced Before August Recess

A litany of new bills has been introduced before both houses of Congress leave for the August recess. Please see below for a list of those bills we believe may have the most impact on your companies:

- [H.R.4047](#) - To require certain Federal financial regulators to carry out an independent study of their regulated entities' processes for allowing third parties to access consumer-authorized financial data.
- [H.R.4021](#) - To prohibit a Federal agency from using a facial recognition technology without a Federal court order, and for other purposes.
- [H.R.4008](#) - To prohibit the use of biometric recognition technology in certain federally assisted dwelling units, and for other purposes.
- [H.R.4027](#) - To amend section 230 of the Communications Act of 1934 (commonly referred to as the Communications Decency Act) to stop censorship, and for other purposes.
- [S.2342](#) - A bill to provide for requirements for data brokers with respect to the acquisition, use, and protection of brokered personal information and to require that data brokers annually register with the Federal Trade Commission.
- [H.R.4106](#) - To amend the Federal Food, Drug, and Cosmetic Act to restrict direct-to-consumer drug advertising.

## State Affairs

### Looming Privacy Deadlines in the West

Looming effective dates for privacy bills in Nevada and California may be here faster than it may seem. Nevada's privacy bill becomes effective on October 1, 2019. The California Consumer

Privacy Act (CCPA) and its wide sweeping regulations will become effective on an estimated 550,000 companies on January 1, 2020.

## Colorado Law Creates Mandatory Drug Cost Disclosure Questions

A new law in Colorado may have severely negative impacts on pharmaceutical advertising. Colorado Revised Statutes 12-42.5-308 and 12-280-308 ([House Bill 19-1131](#)) require drug manufacturers or their sales representatives to disclose the Wholesale Acquisition Cost (WAC) of prescription drugs to healthcare providers they visit, along with the WAC of 3 comparable pharmaceutical drugs. Some are interpreting this to also mean that no television advertisement can run in Colorado without providing the same information.

Section 1 of the act will take effect today (August 2). Section 2 will become effective on October 1, 2019.

This bill raises First Amendment concerns due to the Supreme Court Decision in *IMS Health v. Sorrell* in which the Court held that the First Amendment limits the government's ability to regulate communication between drug marketers and doctors.

ANA will continue to monitor this to understand how it will impact our members.

## State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states.

## Contact Us

If you have questions on any of the issues mentioned in the ADviser, please feel free to contact ANA's Government Relations team in Washington, D.C.:

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You can also reach the D.C. office at any time at 202.296.1883

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