



Highlights this week include new federal legislation on data brokers and a report from the National Conference of State Legislatures summit.

At The Top:

ANA Government Relations Committee Meeting & Capitol Hill Day (September 11, 2019)

We hope you can join us on Wednesday, September 11 for our next [Government Relations Committee meeting and inaugural Capitol Hill Day!](#) Speakers will include:

- FTC Commissioner Rebecca Kelly Slaughter
- Stu Ingis with an update on the Privacy for America effort
- ANA's Dan Jaffe and Chris Oswald on the major federal and state privacy issues, as well as our recent lawsuit against HHS over drug price disclosures and other important legislative and legal issues

We have also invited a member of Congress to attend, so stay tuned! For more information, please visit the [agenda](#).

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State Affairs

- [National Conference of State Legislatures Hosts Summit](#)
- There is no State Legislative Weekly Tracker this week

News of Interest

- [Emerging Regs for Cannabis Ads Include Prior Approval](#), *MediaPost*, August 2, 2019
- [Lawmakers jump start talks on privacy bill](#), *The Hill*, August 7, 2019
- [How to craft a U.S. privacy law fit for a tech company](#), *SC Magazine*, August 7, 2019
- [The Costs of an Unnecessarily Stringent Federal Data Privacy Law](#), *ITIF*, August 5, 2019
- [California privacy law sets national agenda as federal talks fizzle](#), *Politico*, August 8, 2019

Useful Resources

[POLITICO Pro: The Essential Guide to California Consumer Privacy Act](#)

Word on the Street

From the CA Legislature:

- On **August 12**, the Legislature reconvenes from summer recess. Other important upcoming dates from the body currently legislating CCPA include **September 6**, which is the last day to amend bills on the floor and **September 13**, which is the last day for any bill to be passed.

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, Calif.

Federal Affairs

[Senator Peters Introduces Data Broker List Act of 2019](#)

On July 30, Sen. Gary Peters (D-MI) introduced [S.2342](#), the “Data Broker List Act of 2019.” The bill was referred to the Senate Committee on Commerce, Science, and Transportation. It defines “data broker” as “a business that collects or obtains a consumer’s personal information and sells, licenses, trades, or provides for consideration that information to another business with whom a consumer does not have a direct relationship.” The bill states that data brokers shall not: (1) obtain “brokered personal information” through “fraudulent means”; (2) utilize “brokered personal information” for harassment, discrimination, or fraud; or (3) sell or transfer “brokered personal information” to a third party that would violate provisions of the bill. The bill defines “brokered personal information” as “any personal information that is categorized or organized for a sale to a third party.” It would mandate that data brokers have an “information security program” to

safeguard personal information and protect the data broker from security breaches. The bill would require that data brokers annually register with the Federal Trade Commission (FTC) and include information such as whether the data brokers offer an opt-out process for data collection and use, the list would be available for public view. Finally, it would give enforcement power to the FTC along with a requirement for an annual review of the bill's implementation by the FTC.

State Affairs

National Conference of State Legislatures Hosts Summit

Thousands of state legislators and staff gathered this week in Nashville for the National Conference of State Legislatures (NCSL) annual legislative summit.

The week-long conference kicked off on Sunday with a meeting of the State and Local Tax Task Force. Sessions included a discussion on the elimination of state taxes on corporations, the impact on state taxation of services, and an update on remote sales taxation laws following the US Supreme Court's Wayfair decision.

NCSL also conducted sessions relating to trends in state data privacy legislation. Jim Halpert, of the State Privacy and Security Coalition, and Ted Claypoole, of Womble Bond Dickinson, discussed the status of state data privacy legislation this year, as well as, efforts to amend flaws in the California Consumer Privacy Act (CCPA).

Nevada Senate Majority Leader Nicole Cannizzarro discussed the measured approach and process of passing Nevada's new data privacy law which she authored this year. Texas Representative Giovanni Capriglione, author of the Texas data privacy legislation that failed to pass this session, emphasized the need to pass consumer data privacy laws by enumerating the variety of pieces of personal data exchanged by governments, businesses, and individuals that impact individual privacy.

Ryan Harkins, Director of State Affairs and Public Policy for Microsoft, discussed his company's support of passing state data privacy laws in conformity with the EU's General Data Protection Regulation (GDPR). He highlighted provisions of Washington State's data privacy bill that failed to pass this year as a model for state legislators to consider.

NCSL also hosted discussions focusing on how lawmakers can break down data silos in state agencies, data-driven policymaking, and the role of the state Chief Data Officer.

A Supreme Court roundup session conducted by Lisa Soronen, Director of the State and Local Legal Center, that charted this term's key decisions affecting state governments, *Rucho v. Common Cause*, the partisan gerrymandering case and *Dept. of Commerce v. New York*, the census citizenship question case. Soronen also highlighted the contrasts between the jurisprudence of Justices Kavanaugh and Gorsuch, and an analysis of Chief Justice Roberts's pragmatism on First Amendment cases.

Finally, Chris Oswald, ANA's Senior VP for Government Relations, was recognized by the State Government Affairs Council (SGAC) for completing its Advanced Certificate Program through demonstrating competency and leadership in communication and media training; advocacy and legislation; and managing the government relations function.

State Legislative Weekly Tracker

There is no State Legislative Weekly Tracker this week.

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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