



Highlights this week includes last minute activity on CCPA in California and an Advertising Coalition letter to the Senate Appropriations Committee on prescription drug ads.

In this issue:

Federal Affairs

- [NIST Issues Privacy Framework "Preliminary Draft"](#)
- [TAC Submits Letter to Senate Appropriations Committee Leaders](#)

State Affairs

- [California Legislature Amends CCPA Before Adjourning for the Year](#)
- [State Legislative Weekly Tracker](#)

News of Interest

- [Businesses Across the Board Scramble to Comply With California Data-Privacy Law, *The Wall Street Journal*, September 8, 2019](#)
- [Microsoft's Edge and Naver's Whale browsers join the Coalition for Better Ads program, *Mobile Marketing*, September 9, 2019](#)
- [California Isn't The Only State Getting Busy With New Privacy Laws, *AdExchanger*, September 11, 2019](#)

- [16 Ways Facebook, Google, Apple and Amazon Are in Government Cross Hairs](#), *The New York Times*, September 9, 2019
- [House lawmakers ask Apple, Amazon, Facebook and Google to turn over trove of records in antitrust probe](#), *Washington Post*, September 13, 2019

Word on the Street

- [How John Roberts killed the census citizenship question](#), CNN, September 12, 2019

Upcoming ANA Events

- [Legal Affairs Committee Meeting](#) – October 16, 2019, New York, N.Y.
- [Brand Activation Legal Committee Webinar](#) - October 17, 2019
- [ANA/BAA Marketing Law Conference](#) – November 4-6, 2019, San Diego, Ca.

Events you Missed

- [ANA Government Relations Committee Meeting and Capitol Hill Day](#) - September 11, 2019

Federal Affairs

NIST Issues Privacy Framework "Preliminary Draft"

On September 6, the Department of Commerce's National Institute of Standards and Technology (NIST) published a "[Preliminary Draft](#)" for its currently under-development privacy framework. Throughout the framework development process, NIST officials have stated that NIST intends for the privacy framework to function as a non-compulsory guide for entities managing various privacy "risks." Accompanying the preliminary draft, NIST also published [Privacy Framework Informative References](#), which it described as functioning as "a mapping of the Subcategories in the Preliminary Draft Core to key relevant NIST guidance." To date, NIST has held a number of in-person events and virtual webinars to gather stakeholder feedback on its Privacy Framework development process, and also released a Privacy Framework "[Discussion Draft](#)" on April 30, 2019. NIST's Privacy Framework [development schedule](#) states that Version 1.0 of the Privacy Framework is expected to be released by the "end of 2019."

TAC Submits Letter to Senate Appropriations Committee Leaders

The ANA, as a member of The Advertising Coalition (TAC), participated in the submission of a letter to Sen. Richard Shelby (R-AL), Chairman of the Senate Appropriations Committee, and Sen. Patrick Leahy (D-VT), Vice Chairman of the Senate Appropriations Committee, as well as to members of the Subcommittee on Labor, Health, and Human Services. The [letter](#) urged lawmakers to reject an amendment that could possibly be offered which would require DTC advertisements for pharmaceutical advertisements to include the wholesale acquisition cost of the drug.

State Affairs

California Legislature Amends CCPA Before Adjourning

On Friday, September 13, before it is set to adjourn for the year, the California Legislature is expected to pass a series of bills amending the California Consumer Privacy Act (CCPA).

Assembly Bills 25, 874, 1355, 1564, and 1146 contain the lion's share of the legislature's changes to the CCPA that the Senate voted to pass on Thursday, including adding "reasonably" before

“capable of being associated with” in definition of personal information - an important improvement. These bills are summarized [here](#) and they will now proceed to the Governor who is expected to sign them prior to the October 13 deadline.

One bill that was held by the Senate this week to be taken up next year is AB 846, relating to loyalty programs, following intense opposition to late amendments negotiated between its author, Assembly Member Autumn Burke and Senate Judiciary Chair Hannah-Beth Jackson.

The amendments to AB 846 agreed to late last week would require businesses to obtain express consent from a consumer prior to selling of personal information obtained through a loyalty program, and clarified that a business must provide the benefits of a loyalty program even if a consumer does not provide that consent to sell.

Assembly Member Burke agreed to hold her bill to 2020, allowing industry to continue to work on this issue next year, which is a significant victory for advertisers and marketers.

ANA will host a call of its CCPA working group on September 25 at 2:00pm to review these changes to the CCPA and discuss the eagerly anticipated Attorney General's rulemaking on the Act. To join the call and CCPA working group, please contact djaffe@ana.net.

State Legislative Weekly Tracker

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

Events you Missed

Government Relations Committee Meeting and Capitol Hill Day - September 11, 2019

The ANA Government Relations team held its first Capitol Hill Day for members on Wednesday, September 11. Dan Jaffe and Chris Oswald led two groups of ANA members to Capitol Hill to discuss our efforts in the privacy area, including the [Privacy for America](#) coalition, with key committee and member staff. Prior to Capitol Hill Day, we held a Government Relations Committee meeting at Venable's DC office, which featured FTC Commissioner Rebecca Kelly Slaughter; Lisa Goldman, senior counsel to the House Energy & Commerce Committee's Subcommittee on Consumer Protection and Commerce; and Stu Ingis, partner and chair at Venable and counsel to the Privacy for America coalition.

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.:

- Dan Jaffe, Group Executive Vice President, Government Relations (djaffe@ana.net)
- Chris Oswald, Senior Vice President, Government Relations (coswald@ana.net)
- David Buzby, Senior Director, Government Relations (dbuzby@ana.net)
- Meghan Salome, Director, Government Relations (msalome@ana.net)
- Travis Frazier, Coordinator, Government Relations (tfrazier@ana.net)

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

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