



Highlights this week include an ad tax victory in South Dakota, an FTC request for public comment on endorsement guidelines, and an increasing privacy threat in Washington state.

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Industry Updates

- The advertising industry's leading associations have launched the "Fix the Washington Privacy Act" website. Visit by going to privacynotlawsuits.org.

News of Interest

- [Some Answers, But Some Big Questions Remain, Dan Jaffe's Regulatory Rumbings,](#)

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- [FCC To Study Impact Of Net Neutrality Repeal](#), *Mediapost*, February 19, 2020
- [ISPs sue Maine, claim Web-privacy law violates their free-speech rights](#), *ARS Technica*, February 18, 2020
- [EU Plans European Rival To Google With New Data And AI Proposals](#), *Forbes*, February 19, 2020
- [Proposed California Privacy Rules Draw Mixed Reaction From ANA](#), *Mediapost*, February 19, 2020
- [Leavitt's Washington Online Privacy for Minors Bill Passes House](#), *The Sub Times*, February 20, 2020
- [New Mexico Sues Google Over Children's Privacy Violations](#), *NYT*, February 20, 2020

Word on the Street

- Heading into the Nevada Caucuses, the third contest in the race for Democratic Presidential Nomination, the current pledged delegate totals (1,991 are needed to clinch the nomination) candidate are as follows:
 - Mayor Pete Buttigieg – 23
 - Sen. Bernie Sanders – 21
 - Sen. Elizabeth Warren – 8
 - Sen. Amy Klobuchar – 7
 - Former Vice President Joe Biden - 6

Upcoming ANA Events

- [Legal & Regulatory Webinar Series - The CCPA Regs: What You Need to Know](#) – March 10 @ 1 PM ET.

Federal Affairs

[ANA To File Following FTC Request for Public Comment on its Endorsement Guides](#)

Last week the Federal Trade Commission (FTC) announced that it is seeking public comment on its [Endorsement Guides](#) as a part of its review of all current rules. The request for comment centers around a wide array of questions including:

- whether the practices addressed by the Guides are prevalent in the marketplace and whether the Guides are effective at addressing those practices;
- whether consumers have benefited from the Guides and what impact, if any, they have had on the flow of truthful information to consumers;
- whether changes in technology or the economy require changes to the Guides; how well advertisers and endorsers are disclosing unexpected material connections in social media;

ANA plans to file comments in response to the request and input from our members is extremely useful when crafting our response. Written comments must be submitted no later than April 21, 2020. Please reach out to djaffe@ana.net with any comments or questions.

[CFPB to Hold Consumer Access Symposium](#)

On February 20, 2020, the Consumer Financial Protection Bureau (CFPB) [announced](#) that it has scheduled a February 26, 2020 symposium to examine consumer access to financial records and Section 1033 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, commonly known as Dodd-Frank. Section 1033 is a provision requiring that financial institutions provide consumers “information relating to any transaction, series of transactions, or to the account,” in reference to a consumer's financial accounts, upon request.

According to the CFPB, the symposium will feature three discussion panels addressing: (1) the contemporary “consumer data” space as well as benefits and drawbacks of “consumer-authorized data access”; (2) how consumer-authorized data access has developed; and (3) policy considerations for ensuring that data is held securely, how to provide consumers continued access to data, and potential developments in the consumer-authorized data access market. We will provide coverage of the symposium.

State Affairs

Victory in South Dakota Ad Tax Fight

On Thursday, ANA and others scored an important victory regarding the ad tax threat in South Dakota. [HB 1284](#) included a provision which would have repealed the sales tax exemption for advertising services. Currently, the South Dakota sales tax is 4.5%. The bill was sponsored by House leadership but opposed by Governor Kristi Noem (R).

Yesterday, [HB 1284](#) was [amended](#) by the main sponsor and the repeal of the sales tax exemption was removed. This followed heavy opposition from industry, including a [letter](#) from ANA and other businesses associations outlining the potential pitfalls of this legislation.

Hearing on Maryland Digital Ad Tax to Be Held Next Week

The Maryland House Ways and Means Committee will hold a hearing on Friday February 28 at 1PM ET regarding [HB 695](#) which would “impos(e) a tax on annual gross revenues derived from digital advertising services including advertisement services on a digital interface in the State.” This is a companion bill to Maryland [SB 2](#).

ANA will file comments in opposition and strongly encourages our member companies to do so as well.

Ad Industry Submits Letter to Washington State House ITED Committee; ANA to Testify

On Thursday ANA and other leading advertising trade associations submitted a [letter](#) to Washington State Rep. Zack Hudgins who serves as Chair of the House Innovation, Technology & Economic Development (ITED) Committee regarding the Washington Privacy Act. This preempts the Committee hearing scheduled for 10 AM PT today.

In the letter, ANA and others urged lawmakers to remove the private right of action, removing the any processing of data language as a part of definition of “sale” within the Act, as well as, seeking further clarification to the definition of “sale” to ensure that vital data exchanges are not subject to consumer opt-outs.

Chris Oswald, ANA SVP, Government Relations, is in Olympia to testify in opposition and lobby against the bill. His testimony can be found [here](#). ANA will keep you updated as any further developments occur.

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.:

- Dan Jaffe, Group Executive Vice President, Government Relations (djaffe@ana.net)
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- 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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