



Highlights this week include a possible private right of action in Washington State, a new children's privacy bill, and updates on Maryland ad taxes and California developments.

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### News of Interest

- [Rebecca Snyder and Matthew McDermott: Taxing digital advertising and services to pay for Kirwan will harm Maryland's economy](#), *Capital Gazette*, February 28, 2020
- [New Jersey Lawmakers Push Data-Privacy Bill](#), *Wall Street Journal*, March 2, 2020
- [Maryland lawmakers reject bill to expand the state's sales tax](#), *Washington Post*, March 4, 2020

## Word on the Street

- Following Super Tuesday, the race for the Democratic Nomination is dramatically different. Most major candidates have suspended their campaigns leaving only former Vice President Joe Biden and Senator Bernie Sanders. According to RealClearPolitics the current delegate count is as follows (1,991 needed to clinch nomination):
  1. Biden – 603
  2. Sanders - 538
  3. Warren - 68
  4. Bloomberg - 59
  5. Buttigieg - 26
  6. Klobuchar - 7
  7. Gabbard – 1

## Upcoming ANA Events

- [Legal & Regulatory Webinar Series - The CCPA Regs: What You Need to Know](#) – March 10 @ 1 PM ET.
- [Government Relations Committee Meeting](#) – March 23 in Washington DC
- [Privacy for America National Privacy Summit and Fly-In](#) – March 24 in Washington DC

## Federal Affairs

### [Sens. Markey and Blumenthal Introduce KIDS Act](#)

On March 5, 2020, Sen. Ed Markey (D-MA) [announced](#) that he and fellow Senate Committee on Commerce, Science, and Transportation Member Sen. Richard Blumenthal (D-CT) introduced the [Kids Internet Design and Safety Act \(KIDS Act\)](#). According to the press release, the bill defines “covered user” as individuals under the age of sixteen. The press release stated that the KIDS Act would stop the use of “imbedded interactive elements” and influencer marketing practices to children. The press release also noted that the bill would prohibit recommendations of nicotine, tobacco, or alcohol related content to children.

The KIDS Act, according to the press release, would bar “violent, inappropriate, and dangerous” content from being “amplified” by child-targeted websites and enable website users to report such content if found. It also noted that the KIDS Act would ban “auto-play,” push alerts encouraging an increase in screen-time, and “badges” that incentivize prolonged use from apps and websites targeted to children, among other platform features.

### [FTC Schedules Workshop on Proposed Changes to GLBA Safeguards Rule & Requests Comments on Endorsement Guidelines](#)

The Federal Trade Commission (FTC) [announced](#) that on May 13, 2020, it will hold a workshop on the FTC’s [proposed amendments](#) to its Gramm-Leach-Bliley Act (GLBA) Safeguards Rule. According to the FTC, the workshop will examine data security standards in different industries, encryption and multifactor authentication, price models associated with data security programs,

and third-party data “security services,” among other topics. The FTC noted that the FTC will accept public comment on its proposed GLBA Safeguards Rule changes and the workshop until June 12, 2020. ANA plans to file comments.

Additionally, the FTC announced that it is seeking public comment on its [Endorsement Guides](#) and ANA will file. Written comments must be submitted no later than April 21, 2020.

Input from our members is extremely useful and important when crafting our responses to these important issues. Please reach out to [djaffe@ana.net](mailto:djaffe@ana.net) with any comments or questions.

## **Senate Commerce Committee Schedules Markup to Consider US SAFEWEB Act Extension Bill and Emerging Technologies Bill**

On March 4, 2020, the Senate Committee on Commerce, Science, and Transportation [announced](#) that on March 11, 2020, it will convene a [markup](#) to consider [S. 3132](#), “To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006,” (US SAFEWEB Act), and [S. 3191](#), the “Industries of the Future Act of 2020,” among other bills.

The US SAFEWEB Act provides the Federal Trade Commission (FTC) with enforcement tools regarding international consumer protection matters, and the Industries of the Future Act of 2020 would promote federal government entities’ development of emerging technologies. We will provide coverage of the markup.

## **Jan Schakowsky (D-II) Targets Tech Industry’s Liability Shield**

House Energy and Commerce Chairwoman Jan Schakowsky (D-II) is currently drafting legislation that would specifically target the tech industry’s liability shield under section 230 according to Politico Pro.

In a [letter](#) to U.S. Trade Representative Robert Lighthizer, Schakowsky wrote that she intends to develop a bill “to protect consumers from illegal third-party conduct on internet platforms.” Furthermore, she used the letter to blame tech industry’s legal protections for a litany of issues including “fake news, fake reviews, counterfeit products, recalled products, and unsafe products.”

## **State Affairs**

### **ANA Submits Letter in Opposition to Private Right of Action in Washington SB 6281**

On Wednesday, ANA sent a [letter](#) to the Washington House of Representatives urging them to reject a proposed Private Right of Action in [SB 6281](#), the Washington Privacy Act. Additionally, we sent the following alert to our members urging them to speak out against the legislation:

“ANA believes that a Private Right of Action will provide no privacy benefits to the public and adversely impact legitimate Washington state businesses. This legislation is actively being considered and there are only a few more days left in the Washington State legislative session, so this is a critical time for companies to speak up on this important matter.

[ANA strongly urges our member companies to reach out to members of the Washington House to declare their opposition to the Private Right of Action in SB 6281.](#) Contact information for the members of the Washington House can be found [here](#).”

**ANA continues to ask that our member companies lodge their opposition to a private right of action in SB 6281.** For any questions please reach out to Dan Jaffe at [djaffe@ana.net](mailto:djaffe@ana.net) or Chris Oswald at [coswald@ana.net](mailto:coswald@ana.net).

## **Maryland Senate Budget and Tax Committee Holds Hearing on SB 2**

Late Wednesday evening, ANA learned that the Chair of the Maryland Senate Budget and Tax

committee would hold a discussion on [SB 2](#) and amendments to the bill which changes the determination of digital ad revenues from the status of an IP address to an apportionment fraction of revenues derived from in-state/out-of-state active.

The bill, as amended, was passed by the Budget and Tax Committee with a “favorable report” this morning on a split vote. 4 members voted in opposition. ANA's Senior VP, Government Relations Chris Oswald attended the informal hearing.

### **ANA Asks CA AG for Confirmation Regarding CCPA Compliance**

On Thursday, the ANA sent a [letter](#) to the California Attorney General asking him to confirm our interpretation of Cal. Civ. Code 1798.110 under the California Consumer Privacy Act (CCPA). Under this section of CCPA, consumers may request that a business disclose to them personal information that the business has collected about the consumer.

ANA guidance states that a business should return to the consumer the specific pieces of personal information it has collected about the consumer, but not be required to supply inferences developed internally by a company, reflecting a logical reading of the law and that aligns with consumer expectations as to the types of data that could be “collected” from and sold about them.

ANA has asked the California AG to confirm this interpretation and we currently await his response.

### **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](mailto:djaffe@ana.net))
- Chris Oswald, Senior Vice President, Government Relations ([coswald@ana.net](mailto:coswald@ana.net))
- David Buzby, Senior Director, Government Relations ([dbuzby@ana.net](mailto:dbuzby@ana.net))
- Meghan Salome, Director, Government Relations ([msalome@ana.net](mailto:msalome@ana.net))
- Travis Frazier, Coordinator, Government Relations ([tfrazier@ana.net](mailto:tfrazier@ana.net))

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

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