



How to Stay Connected

We will be holding our first all-virtual Legal Affairs Committee meeting on May 13, 2020 from 2:00 to 5:00 pm EDT. Topics will include a federal and state legislative review, new ANA and Reed Smith resources for dealing with the fallout of COVID-19, an update on the FTC's endorsements and testimonials guidelines review, as well as a round robin discussion on how we can best help you in these uncertain times. The full agenda can be viewed [here](#).

By Reading The ADviser

[ANA webinars](#) including our own Legal and Regulatory Webinar series, as well as, daily webinars from different departments in the ANA

[Podcasts](#)

Dan Jaffe's *Regulatory Rumbblings* Blog

State and Federal Legislative Tracking

Legal Affairs and Government Relations Committees

Email the Washington Office anytime at washington@ana.net. We strongly encourage you to reach out to setup virtual one-on-one meetings with the ANA DC Office.

Follow us on Twitter [@ANAGovRel](https://twitter.com/ANAGovRel)

Follow Group EVP Dan Jaffe on LinkedIn

[ANA.net](#) which includes [The Marketer's Guide to Coronavirus Response](#), [The Marketing Knowledge Center](#), [ANA's Ask the Expert](#), and [More](#).

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News of Interest

- [1 in 5 American workers has filed for unemployment benefits since mid-March](#), *CNN*, May 7, 2020
- [Loeffler, Daines and Markey join list of 10 most vulnerable senators](#), *Roll Call*, May 6, 2020
- [Association Chiefs On Innovation, Collaboration And Flattening 'The Curve'](#), *MediaPost*, May 4, 2020

Word on the Street

- Today marks the 75th anniversary of Victory in Europe (VE) Day which marked the end of the Second World War. On this day in 1945 the Allied Powers formally accepted an unconditional surrender from Nazi Germany.

Save the Date

- [Potential Pitfalls in Cannabis and CBD Marketing \(Legal & Regulatory Webinar\)](#) – May 12, 2020

- [Legal Affairs Committee Meeting](#) – May 13, 2020 (Virtual)
- [ANA/BAA Advertising and Marketing Law Conference](#) – November 11 – 13, 2020 in Chicago

Federal Affairs

Senate Formally Introduced COVID Related Privacy Bill

Yesterday Senate Commerce Committee Chairman Roger Wicker (R-MS) formally introduced the [COVID-19 Consumer Data Protection Act](#). Joining Wicker as cosponsors on the bill were Sen. Thune (R-SD), chairman of the Subcommittee on Communications, Technology, Innovation, and the Internet, Sen. Fischer (R-NB), chairman of the Subcommittee on Transportation and Safety, Sen. Moran (R-KN), chairman of the Subcommittee on Manufacturing, Trade, and Consumer Protection, and Sen. Blackburn (R-TN).

The bill requires an opt-in for COVID-19 tracking. We are currently completing a further analysis of the bill.

Dem. Senators Request "Vigilant" Antitrust Enforcement

On May 1, 2020, a group of fifteen senators led by Sen. Amy Klobuchar (D-MN), Ranking Member of the Senate Committee on the Judiciary's Subcommittee on Antitrust, Competition Policy, and Consumer Rights, sent a [letter](#) to Federal Trade Commission (FTC) Chairman Joseph Simons and Assistant Attorney General for the U.S. Department of Justice's (DOJ) Antitrust Division Makan Delrahim requesting that the DOJ and FTC pursue "vigilant" antitrust enforcement and consumer protection efforts during and following the COVID-19 pandemic. The letter's additional signatories included: (1) Sen. Dianne Feinstein (D-CA); (2) Sen. Patrick Leahy (D-VT); (3) Sen. Richard Blumenthal (D-CT); (4) Sen. Cory Booker (D-NJ); (5) Sen. Dick Durbin (D-IL); (6) Sen. Mazie Hirono (D-HI); (7) Sen. Sherrod Brown (D-OH); (8) Sen. Ed Markey (D-MA); (9) Sen. Mark Warner (D-VA); (10) Sen. Bernie Sanders (I-VT); (11) Sen. Ron Wyden (D-OR); (12) Sen. Tammy Baldwin (D-WI); (13) Sen. Jeff Merkley (D-OR); and (14) Sen. Tammy Duckworth (D-IL). In their letter, the senators expressed concern that certain companies, "particularly in the digital economy – may thrive in the new environment," potentially leading to market consolidation that may raise "difficult issues" for U.S. antitrust enforcers.

The senators also asked: (1) how the coronavirus pandemic has affected antitrust enforcement and whether Congressional action is necessary to "protect consumers and competition at pre-pandemic levels"; (2) whether COVID-19 has raised "difficulties" for the FTC and DOJ regarding their respective Hart-Scott-Rodino Act pre-merger reviews; (3) if the FTC and DOJ will conduct merger retrospectives for approved mergers during the COVID-19 pandemic if merger approvals are found to be based on incorrect market predictions; and (4) how market and merger analyses, including those involving acquisitions of distressed assets, are affected by the uncertainty presented by COVID-19.

House E&C to Hold COVID-19 Testing, Surveillance, and Contact Tracing Forum

On May 7, 2020, the House Committee on Energy and Commerce [announced](#) that on May 8, 2020, the Committee will hold a "teleconference forum," open only to credentialed press, addressing: COVID-19 testing, surveillance, and contact tracing. According to the press release, three public health experts will participate alongside Committee Members during the forum. The forum comes in the wake of the distribution of an April 30, 2020 letter sent by Committee Democrat leaders including: (1) Chairman Frank Pallone (D-NJ); (2) Subcommittee on Health Chairwoman Anna Eshoo (D-CA); and (3) Subcommittee on Oversight and Investigations Chairwoman Diana DeGette (D-CO) to United States Secretary of Health and Human Services Alex Azar requesting

that the Trump Administration develop a national contact tracing plan to track COVID-19.

State Affairs

Maryland Governor Vetoes Digital Ad Tax Bill

Yesterday, Maryland Governor Larry Hogan vetoed HB 732, legislation imposing the first tax on digital advertising revenues passed by any statehouse in the nation. In his veto letter, Governor Hogan stated, “These misguided bills would raise taxes and fees on Marylanders at a time when many are already out of work and financially struggling. ...[I]t would be unconscionable to raise taxes and fees now.”

From the bill's introduction, ANA convened and led a broad and diverse coalition of companies, trade associations, and other organizations to oppose the legislation. ANA testified against the bill twice before Senate and House committees and signed standalone and coalition letters to Governor Hogan requesting his veto of HB 732. To read ANA's press statement commending the Governor for his veto, please click [here](#).

ANA will remain on guard to thwart any attempt by the Maryland legislature to override the Governor's veto whenever it next reconvenes – either in special session later this year, or regular session in January 2021.

CA Assembly Committee on Privacy and Consumer Protection Back in Action

On May 5, 2020, the California Assembly Committee on Privacy and Consumer Protection met to consider seven legislative proposals: (1) [AB 2149](#), a food industry data sharing bill; (2) [AB 2443](#), a debt settlement bill; (3) [AB 2811](#), an autorenewal bill; (4) [AB 2004](#), a health data storage bill; (5) [AB 3116](#), a mobility data-sharing bill; (6) [AB 2261](#), a facial recognition technology bill; and (7) [AB 2320](#), a cybersecurity requirement bill. All but AB 2320 passed out of the Committee by roll call vote. Highlights from the hearing can be found [here](#).

ANA joined a [letter](#) opposing AB 2811 relating to automatically renewing contracts. The bill passed the committee easily.

Highlights from California Assembly Communications and Conveyance Committee Hearing on AB 3007

On May 5, 2020, the California Assembly's Committee on Communications and Conveyance held a [hearing](#) to consider [AB 3007](#), a telecommunications bill concerning automatic dialing-announcing devices. After late amendments from the bill's author, Assembly Member and Chair of the Privacy and Consumer Protection committee, Ed Chau, and despite ANA testimony in opposition, the bill easily passed the committee.

Highlights can be found [here](#).

Louisiana House Commerce Committee to Hold Hearing on Privacy Bills

The Commerce Committee of the Louisiana House of Representatives has scheduled a hearing on multiple potential privacy bills. The hearing is scheduled for Monday May 11 at 9 AM CT.

ANA will monitor and keep you apprised of any important developments.

CA Department of Revenue Projects Large Budget, Structural Deficits in Revised Forecast

In a [report](#) released yesterday, the California Department of Revenue projected sharp reductions in state revenues resulting from job losses and business closures due to the widespread economic interruption caused by the global coronavirus pandemic.

The revised forecast predicts revenue declines and increased expenditures in response to COVID-19 which will result in reduced revenues to the General Fund of around 25%, and an overall budget deficit of approximately \$54.3 billion or nearly 37% of General Fund spending authorized in 2019's Budget Act.

State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states. To schedule a tutorial provided by a member of the team at Leonine Focus please contact Travis Frazier (tfrazier@ana.net).

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, Associate Manager, Government Relations (tfrazier@ana.net)

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

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