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HOUSE BILL NO. 1368

Offered January 20, 2026

A BILL to amend and reenact § 59.1-584 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-584.1, relating to Consumer Data Protection Act; individual action for damages or penalty; social media platforms.

Patron—Thomas

Referred to Committee on Communications, Technology and Innovation

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-584 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-584.1 as follows:

§ 59.1-584. Enforcement; civil penalty; expenses.

A. The Attorney General shall have exclusive authority to enforce the provisions of this chapter, *except as provided for in § 59.1-584.1.*

B. Prior to initiating any action under this ~~chapter~~ *section*, the Attorney General shall provide a controller or processor 30 days' written notice identifying the specific provisions of this chapter the Attorney General alleges have been or are being violated. If within the 30-day period the controller or processor cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, no action shall be initiated against the controller or processor.

C. If a controller or processor continues to violate this chapter following the cure period in subsection B or breaches an express written statement provided to the Attorney General under ~~that~~ *such* subsection, the Attorney General may initiate an action in the name of the Commonwealth and may seek an injunction to restrain any violations of this chapter and civil penalties of up to \$7,500 for each violation under this chapter. All civil penalties, expenses, and attorney fees collected pursuant to this ~~chapter~~ *section* shall be paid into the state treasury and credited to the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund.

D. The Attorney General may recover reasonable expenses incurred in investigating and preparing the case, including attorney fees, in any action initiated under this ~~chapter~~ *section*.

~~E. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or under any other law.~~

§ 59.1-584.1. Individual action for damages or penalty; social media platforms.

A. Prior to initiating any action under this section, a parent or minor shall provide a controller or processor 30 days' written notice identifying the specific provisions of § 59.1-577.1 such parent or minor alleges have been or are being violated. If, within the 30-day period, the controller or processor cures the noticed violation and provides such parent or minor an express written statement that the alleged violations have been cured and that no further violations shall occur, no action shall be initiated against the controller or processor. A parent or minor shall offer a controller or processor an opportunity to cure pursuant to this subsection only once per substantially similar violation prior to initiating an action under this section.

B. If a controller or processor continues to violate § 59.1-577.1 following the cure period in subsection A or breaches an express written statement provided to the parent or minor under such subsection, any parent or minor who suffers loss as the result of a violation of § 59.1-577.1 shall be entitled to initiate an action against the controller or processor to recover actual damages, or \$500 per violation, whichever is greater. If the trier of fact finds that the violation was willful, it may increase damages to an amount not exceeding three times the actual damages sustained, or \$1,000, whichever is greater.

C. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such parent or minor may also be awarded injunctive or declaratory relief and reasonable attorney fees and court costs.

D. The remedies provided by this section are cumulative and shall supplement any other remedies available at law or equity under this chapter. Nothing in this section shall limit, modify, impair, or supersede the authority granted to the Attorney General pursuant to § 59.1-584.