

HOUSE BILL NO. 518
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)
(Patron Prior to Substitute—Delegate Martinez)

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614, 59.1-615, and 59.1-616, relating to streaming advertisement volume control; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614, 59.1-615, and 59.1-616, as follows:

CHAPTER 60.

STREAMING ADVERTISEMENT VOLUME CONTROL.

§ 59.1-614. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Long-form content" means a film, show, or other video programming or video content that is the primary material a user of a video streaming service or social media video service consumes while using such service.

"Normalization" means adjusting the audio of short-form content by measuring and scaling the average loudness to match the target loudness of the accompanying long-form content distributed by a video streaming service, social media video service, or third-party advertising manager consistent with established industry standards such as Advanced Television Systems Committee Recommended Practice A/85, Techniques for Establishing and Maintaining Audio Loudness for Digital Television.

"Short-form content" means commercial advertising, promotional, and public service-related video programming or video content that is interspersed in long-form content on a video streaming service or social media video service.

"Social media video service" means an online platform that (i) is open to the public; (ii) allows a user to create an account; (iii) consists primarily of content that is user-generated and not preselected by the provider; and (iv) provides a landing page, main feed, or search function that presents the user with video content generated by other users.

"Third-party advertising manager" means an entity that manages the distribution of short-form content on a video streaming service or social media video service and can adjust the loudness of such content.

"Video programming" means programming by, or generally considered comparable to programming

provided by, a television broadcast station. "Video programming" does not include user-generated media.

"Video streaming service" means an online platform the primary purpose of which is to make video programming available directly to consumers. "Video streaming service" does not include a television broadcast station, cable operator, or other multichannel video programming distributor, an internet service provider, a service that makes available video programming or video content without commercial advertisements, or a website or application that does not make video programming available to consumers as its primary purpose.

§ 59.1-615. Video streaming services; volume of commercial advertisements.

A. A video streaming service, social media video service, or third-party advertising manager that serves consumers residing in the Commonwealth shall exercise reasonable care to normalize the audio of short-form content so that such audio is not transmitted at a louder volume than the long-form content it accompanies, consistent with the regulations adopted by the Federal Communications Commission pursuant to the federal Commercial Advertisement Loudness Mitigation (CALM) Act (47 U.S.C. § 621) for television broadcast stations, cable operators, and other multichannel video programming distributors. There shall be a rebuttable presumption that a video streaming service, social media video service, or third-party advertising manager that maintains processes to require that short-form content not be louder than the long-form content it accompanies that are similar to those processes employed to comply with the CALM Act is exercising reasonable care.

B. A video streaming service, social media video service, or third-party advertising manager that engages in normalization shall be deemed in compliance with this chapter.

C. A video streaming service or social media video service that engages a third-party advertising manager that solely controls the loudness of short-form content on such service shall not be liable under subsection A for short-form content distributed by the third-party advertising manager on such service, provided that such service enters into a written agreement with the third-party advertising manager that requires the audio of short-form content distributed by the third-party advertising manager to be no louder than the target loudness of the accompanying long-form content distributed by the video streaming service or social media video service, consistent with established industry standards.

§ 59.1-616. Enforcement; civil penalties.

A. The Attorney General shall have exclusive authority to enforce the provisions of this chapter.

B. For purposes of this chapter, the distribution of a single identifiable segment of short-form content within a 30-day period constitutes a violation of this chapter, regardless of how many individual consumers

64 *receive a transmission of such content.*

65 *C. Prior to initiating any action under this chapter, the Attorney General shall provide a video streaming*
66 *service, social media video service, or third-party advertising manager 45 days' written notice identifying the*
67 *specific provisions of this chapter the Attorney General alleges have been or are being violated. If within the*
68 *45-day period the video streaming service, social media video service, or third-party advertising manager*
69 *cures the noticed violation by either (i) ceasing to distribute any violating segment of short-form content or*
70 *(ii) normalizing the audio of any violating segment of short-form content for all subsequent distributions of*
71 *such content and provides the Attorney General an express written statement that the alleged violations have*
72 *been cured and that no further violations shall occur, no action shall be initiated against the video streaming*
73 *service, social media video service, or third-party advertising manager.*

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

76 **2. That the provisions of this act shall become effective on July 1, 2027.**