

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:

10 1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 60, consisting of
11 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:

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

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

23 "Short-form content" means commercial advertising, promotional, and public service-related video
24 programming or video content that is interspersed in long-form content on a video streaming service or
25 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.

30 "*Third-party advertising manager*" means an entity that manages the distribution of short-form content on
31 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

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

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

40 **§ 59.1-615. Video streaming services; volume of commercial advertisements.**

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

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

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

60 **§ 59.1-616. Enforcement; civil penalties.**

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

62 B. For purposes of this chapter, the distribution of a single identifiable segment of short-form content
63 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.