

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 518]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**
 8 **1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 60, consisting of**
 9 **sections numbered 59.1-614, 59.1-615, and 59.1-616, as follows:**

10 CHAPTER 60.

11 STREAMING ADVERTISEMENT VOLUME CONTROL.

12 § 59.1-614. *Definitions.*13 *As used in this chapter, unless the context requires a different meaning:*14 *"Long-form content" means a film, show, or other video programming or video content that is the primary*
 15 *material a user of a video streaming service or social media video service consumes while using such service.*16 *"Normalization" means adjusting the audio of short-form content by measuring and scaling the average*
 17 *loudness to match the target loudness of the accompanying long-form content distributed by a video*
 18 *streaming service, social media video service, or third-party advertising manager consistent with established*
 19 *industry standards such as Advanced Television Systems Committee Recommended Practice A/85,*
 20 *Techniques for Establishing and Maintaining Audio Loudness for Digital Television.*21 *"Short-form content" means commercial advertising, promotional, and public service-related video*
 22 *programming or video content that is interspersed in long-form content on a video streaming service or*
 23 *social media video service.*24 *"Social media video service" means an online platform that (i) is open to the public; (ii) allows a user to*
 25 *create an account; (iii) consists primarily of content that is user-generated and not preselected by the*
 26 *provider; and (iv) provides a landing page, main feed, or search function that presents the user with video*
 27 *content generated by other users.*28 *"Third-party advertising manager" means an entity that manages the distribution of short-form content on*
 29 *a video streaming service or social media video service and can adjust the loudness of such content.*30 *"Video programming" means programming by, or generally considered comparable to programming*
 31 *provided by, a television broadcast station. "Video programming" does not include user-generated media.*32 *"Video streaming service" means an online platform the primary purpose of which is to make video*
 33 *programming available directly to consumers. "Video streaming service" does not include a television*
 34 *broadcast station, cable operator, or other multichannel video programming distributor, an internet service*
 35 *provider, a service that makes available video programming or video content without commercial*
 36 *advertisements, or a website or application that does not make video programming available to consumers as*
 37 *its primary purpose.*38 § 59.1-615. *Video streaming services; volume of commercial advertisements.*39 *A. A video streaming service, social media video service, or third-party advertising manager that serves*
 40 *consumers residing in the Commonwealth shall exercise reasonable care to normalize the audio of short-*
 41 *form content so that such audio is not transmitted at a louder volume than the long-form content it*
 42 *accompanies, consistent with the regulations adopted by the Federal Communications Commission pursuant*
 43 *to the federal Commercial Advertisement Loudness Mitigation (CALM) Act (47 U.S.C. § 621) for television*
 44 *broadcast stations, cable operators, and other multichannel video programming distributors. There shall be*
 45 *a rebuttable presumption that a video streaming service, social media video service, or third-party*
 46 *advertising manager that maintains processes to require that short-form content not be louder than the long-*
 47 *form content it accompanies that are similar to those processes employed to comply with the CALM Act is*
 48 *exercising reasonable care.*49 *B. A video streaming service, social media video service, or third-party advertising manager that engages*
 50 *in normalization shall be deemed in compliance with this chapter.*51 *C. A video streaming service or social media video service that engages a third-party advertising*
 52 *manager that solely controls the loudness of short-form content on such service shall not be liable under*
 53 *subsection A for short-form content distributed by the third-party advertising manager on such service,*
 54 *provided that such service enters into a written agreement with the third-party advertising manager that*
 55 *requires the audio of short-form content distributed by the third-party advertising manager to be no louder*
 56 *than the target loudness of the accompanying long-form content distributed by the video streaming service or*

57 *social media video service, consistent with established industry standards.*

58 **§ 59.1-616. Enforcement; civil penalties.**

59 *A. For purposes of this chapter, the distribution of a single identifiable segment of short-form content*
60 *within a 30-day period constitutes a violation of this chapter, regardless of how many individual consumers*
61 *receive a transmission of such content.*

62 *B. The Attorney General shall have exclusive authority to enforce the provisions of this chapter.*

63 *C. Whenever the Attorney General has reasonable cause to believe that any person has engaged in, is*
64 *engaging in, or is about to engage in any violation of this chapter, the Attorney General is empowered to*
65 *issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil*
66 *investigative demands issued pursuant to this section.*

67 *D. The Attorney General may initiate an action in the name of the Commonwealth and may seek an*
68 *injunction to restrain any violations of this chapter and civil penalties of up to \$2,500 for each violation*
69 *under this chapter.*

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

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

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