

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act 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.

[H 518]

Approved

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 provided 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 engage in normalization of 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

57 *than the target loudness of the accompanying long-form content distributed by the video streaming service or*
58 *social media video service, consistent with established industry standards.*

59 **§ 59.1-616. Enforcement; civil penalties.**

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

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

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

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

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

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

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