

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 1057

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 April 22, 2026

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 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. 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 receive a transmission of such content.

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

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

D. 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 \$2,500 for each violation under this chapter.

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

F. 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.

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