



Joint Commission on Technology and Science

Online and Data Protections Subcommittee

September 4, 2024, at 3:00 p.m.

General Assembly Building, House Room B-205

<http://dls.virginia.gov/commissions/jcots/jcots.htm>

The Online and Data Protections Subcommittee (the Subcommittee) of the Joint Commission on Technology and Science (the Joint Commission) met in Richmond with Delegate Bonita G. Anthony, chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Joint Commission's meetings webpage](#).

Subcommittee Interim Work Plan Update

Staff Counsel

Staff presented Subcommittee members with an overview of bills and topics from the 2024 Regular Session that are directly related to the Joint Commission's work for the interim. The Joint Commission discussed the following bills during its July 17 meeting, which were proposed for study by the Subcommittee:

SB 684 (Stanley) creates the Online Children's Safety Protection Act, which requires certain duties of covered entities, defined in the bill, to protect the best interests of children who use online services, products, or features.

SB 432 (Suetterlein) requires a controller or processor to obtain verifiable parental consent, defined in the bill, prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer.

SB 252 (McDougle) requires the privacy notice that a controller must provide to consumers to include a method by which a consumer may opt out of the automatic placement of a data file, commonly referred to as a "cookie," on the consumer's computer or web browser and a disclosure of the purposes for which the data files are used. The bill prohibits controllers from using cookies, except those that are strictly necessary, without the prior express consent of the consumer and prohibits controllers from preventing access to their services if such consent is not granted.

SB 359 (VanValkenburg) prohibits a person that operates a social media platform that has knowledge that a user of the social media platform is a child under the age of 18 from using an addictive feed, defined in the bill, unless such social media platform obtains verifiable parental consent.

¹ **Members Present:** Delegate Bonita G. Anthony (chair), Senator Christie New Craig, Senator Barbara A. Favola, Senator Ghazala F. Hashmi

SB 532 (Jordan) provides that no commercial entity that offers social media accounts, as defined in the bill, shall knowingly or intentionally allow a minor to access his social media account during the hours of 12:00 a.m. to 6:00 a.m. unless the minor's parent, guardian, or legal custodian has provided permission for the minor to use such social media account during these hours. The bill provides that any commercial entity that violates these provisions shall be subject to civil liability for damages resulting from the interference with a minor's sleep cycle or mental health by allowing such minor to access his social media account during the hours of 12:00 a.m. to 6:00 a.m. and reasonable attorney fees and costs.

Presentation: Online Children's Privacy State Legislation and Litigation

Bill Kramer, VP, MultiState

Mr. Kramer gave a presentation on online children's privacy laws, looking at a broader scope of legislation and litigation. He compared highlighted states that have enacted a type of online children's privacy law, which includes Virginia, Georgia, Texas, and Colorado, while comparing them against states that have attempted to enact online children's privacy laws but have been blocked by litigation. Mr. Kramer also emphasized notable actions across the United States in 2024, stating that states will continue to try new avenues to enact online children's privacy laws.

After the presentation, Mr. Kramer was asked if any state is managing children's data protections effectively and he responded that it is too soon to tell.

Discussion

Delegate Anthony asked subcommittee members for their input regarding other areas of study that should be considered during the interim. Subcommittee members discussed if it would be possible to look into artificial intelligence and its impact on online data protections for children. Delegate Anthony responded by stating that there would be overlap between the different subcommittees of the Joint Commission, including the Artificial Intelligence Subcommittee, and she invited stakeholders to help investigate the technical aspects of all related issues. A Subcommittee member expressed a desire to learn more about Utah's adverse mental health check mentioned in Mr. Kramer's presentation.

Next Meeting

The next meeting of the Subcommittee is scheduled for Monday, September 16, 2024, at 3:00 p.m. in House Room B-205 of the General Assembly Building.

For more information, see the [*Joint Commission's website*](#) or contact the Division of Legislative Services staff:

Nikhil Edward, Attorney, DLS
nedward@dls.virginia.gov
804-698-1865

