

1 TO THE HONORABLE SENATE:

2 The Committee on Institutions to which was referred Senate Bill No. 69

3 entitled “An act relating to relating to an age-appropriate design code”

4 respectfully reports that it has considered the same and recommends that the

5 bill be amended as follows:

6 First: In Sec. 1, 9 V.S.A. chapter 62, subchapter 6, by striking out section
7 2449b in its entirety and inserting in lieu thereof a new section 2449b to read
8 as follows:

9 § 2449b. EXCLUSIONS

10 This subchapter does not apply to:

11 (1) a federal, state, tribal, or local government entity in the ordinary
12 course of its operation;

13 (2) protected health information that a covered entity or business
14 associate processes in accordance with, or documents that a covered entity or
15 business associate creates for the purpose of complying with, HIPAA;

16 (3) information used only for public health activities and purposes
17 described in 45 C.F.R. § 164.512;

18 (4) information that identifies a consumer in connection with:

19 (A) activities that are subject to the Federal Policy for the Protection
20 of Human Subjects as set forth in 45 C.F.R. Part 46;

1 (B) research on human subjects undertaken in accordance with good
2 clinical practice guidelines issued by the International Council for
3 Harmonisation of Technical Requirements for Pharmaceuticals for Human
4 Use;

5 (C) activities that are subject to the protections provided in 21 C.F.R.
6 Part 50 and 21 C.F.R. Part 56; or

7 (D) research conducted in accordance with the requirements set forth
8 in subdivisions (A)–(C) of this subdivision (4) or otherwise in accordance with
9 State or federal law;

10 (5) an entity whose primary purpose is journalism as defined in
11 12 V.S.A. § 1615(a)(2) and that has a majority of its workforce consisting of
12 individuals engaging in journalism;

13 (6) a person who controlled or processed the personal data of not more
14 than:

15 (A) 25,000 consumers in the previous calendar year, excluding
16 personal data controlled or processed solely for the purpose of completing a
17 payment transaction; or

18 (B) 50,000 consumers in the previous calendar year, excluding
19 personal data controlled or processed solely for the purpose of completing a

1 payment transaction and had an annual gross revenue of not more than
2 \$1,000,000.00 in the previous calendar year; and
3 (7) a financial institution or data subject to Title V of the Gramm-Leach-
4 Bliley Act, Pub. L. No. 106-102, and regulations adopted to implement that
5 act.

6 Second: In Sec. 1, 9 V.S.A. chapter 62, subchapter 6, section 2449c, by
7 striking out subsection (c) in its entirety and inserting in lieu thereof a new
8 subsection (c) to read as follows:

9 (c) The content of the media viewed by a covered minor or the video games
10 played by a covered minor shall not establish emotional distress or compulsive
11 use as those terms are used in subsection (b) of this section.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE