

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 a video game  
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.

12 Third: In Sec. 1, 9 V.S.A. chapter 62, subchapter 6, section 2449a, by  
13 striking out subdivision (11) in its entirety and inserting in lieu thereof a new  
14 subdivision (11) to read as follows:

15 (11) “Covered business” means a sole proprietorship, partnership,  
16 limited liability company, corporation, association, other legal entity, or an  
17 affiliate thereof, that conducts business in this State and that generates a  
18 majority of its annual revenue from online services, and whose online  
19 products, services, or features are reasonably likely to be accessed by a minor  
20 and that:

1                   (A) collects consumers’ personal data or has consumers’ personal  
2 data collected on its behalf by a processor; and  
3                   (B) alone or jointly with others determines the purposes and means of  
4 the processing of consumers personal data.

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10                   (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_  
FOR THE COMMITTEE