

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, in section 2449a, by  
7 striking out subdivision (5) in its entirety and inserting in lieu thereof a new  
8 subdivision (5) to read as follows:

9 (5) “Business associate” has the same meaning as in the Health  
10 Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191  
11 (HIPAA).

12 Second: In Sec. 1, 9 V.S.A. chapter 62, subchapter 6, in 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:

18 (A) that conducts business in this State;

19 (B) that generates a majority of its annual revenue from online  
20 services:

1           (C) whose online products, services, or features are reasonably likely  
2 to be accessed by a minor;

3           (D) that collects consumers’ personal data or has consumers’  
4 personal data collected on its behalf by a processor; and

5           (E) that alone or jointly with others determines the purposes and  
6 means of the processing of consumers personal data.

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

10 § 2449b. EXCLUSIONS

11           This subchapter does not apply to:

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

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

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

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

20           (A) activities that are subject to the Federal Policy for the Protection  
21 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

7

8 (Committee vote: \_\_\_\_\_)

9

10

\_\_\_\_\_  
Senator \_\_\_\_\_

11

FOR THE COMMITTEE