

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1468

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Leftwich

3. Committee: Communications, Technology and Innovation

4. Title: Consumer Data Protection Act; enforcement by the Attorney General; civil penalty.

5. Summary: Prohibits TikTok, Inc. and ByteDance Ltd. from providing access to TikTok to any child in the Commonwealth, with civil liability imposed for violations. A private civil action may be brought by a child, parent, or legal custodian against TikTok, Inc. or ByteDance Ltd., seeking damages, costs, and attorney fees for each discrete violation, and an affirmative defense is provided for cases where the platform did not reasonably know of a child's access in the Commonwealth. The Commonwealth and its entities are precluded from bringing actions under this section, and the jurisdiction for such actions is specified in the circuit court where the child and parents reside or in the Circuit Court of the City of Richmond. Additionally, the legislation preserves the immunity of the Commonwealth and its agencies from legal actions arising from this section.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary – See Item 8.

8. Fiscal Implications: The Office of the Attorney General and Department of Law and Courts indicate this bill presents no fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General and Department of Law, Courts

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/12/2024