



Joint Commission on Technology and Science

2023 Final Report

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

The Joint Commission on Technology and Science (the Commission) met four times in 2023 with Delegate C.E. Cliff Hayes, Jr., chair, presiding. The Commission discussed topics including the effects of ransomware and best practice recommendations for dealing with ransomware attacks, the Consumer Data Protection Act and protections for children, using technology to address health disparities, and the practice of unwanted telephone and text message solicitations. Materials presented at the meeting are accessible through the meeting links on the [Commission's webpage on the General Assembly's website](#). Full videos of each meeting are archived on the [House video streaming webpage](#).

Information presented at the meetings is summarized here.

Membership

Delegate C.E. Cliff Hayes, Jr. (chair)	Senator David W. Marsden	Delegate Suhas Subramanyam
Senator Adam P. Ebbin	Delegate Mike A. Cherry	Delegate Anne Ferrell H. Tata
Senator Barbara A. Favola	Delegate A.C. Cordoza	
Senator Ghazala F. Hashmi	Delegate Eileen Filler-Corn	Delegate Michael J. Webert

The following is a summary of the information presented at the Commission's meeting on June 8, 2023, in Richmond:

Presentation: Using Technology to Improve Life Expectancy by Better Addressing Health Disparities

Virginia Academy of Science, Engineering and Medicine (VASEM) and Virginia Center for Health Innovation (VCHI)

Commission members heard a presentation from VASEM and VCHI on life expectancies in the Commonwealth and using technology to better address health disparities. The presentation included a proposal and recommended study parameters for the Commission, such as using current and alternative data sources to understand life expectancy variation and technological and policy solutions for improving life outcomes that consider racial and geographic differences.

Legislative Update

Staff Counsel

Staff provided a brief overview of bills passed during the 2023 Regular Session of the General Assembly that are relevant to the Commission. One bill, HB 1504 (Orrock), directs the Commission to consider the practice of unwanted telephone solicitation calls and telephone solicitation calls via text message and develop recommendations related to requiring a telephone solicitor to permit any person to opt out of receiving such calls or messages. The bill gives a November 1, 2023, deadline for the Commission to report its findings to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

Interim Work Plan

The Commission voted to study the following topics this interim: (i) the effects of ransomware and best practice recommendations for dealing with ransomware attacks; (ii) the Consumer Data Protection Act and protections for children, as outlined in SB 1026 (Suetterlein, 2023) and HB 1688 (Brewer, 2023); (iii) the use of technology to address health disparities; and (iv) the practice of unwanted telephone and text message solicitations, as directed by HB 1504.

Public Comment

Commission members heard from Delegate Michelle Lopes Maldonado who thanked the members for their work. Delegate Maldonado also described her efforts to start a bipartisan and bicameral technology and innovation caucus.

The following is a summary of the information presented at the Commission's meeting on August 21, 2023, in Richmond:

Presentation: Global Internet Hub Strategic Plan

John Martin, President and Chief Executive Officer, RVA757 Connects

The Joint Commission members heard a presentation from RVA757 Connects on its Global Internet Hub Strategic Plan and I-64 Innovation Corridor initiative, which includes advocating for widening the 29-mile gap from Richmond to Williamsburg. Mr. Martin expressed that some of RVA757 Connects' priorities for its strategic plan are to help the I-64 Innovation Corridor become



a Global Internet Hub, support bike-walk trails in the megaregion, and increase passenger rail service.

Consumer Data Protection Act Update

Delegate Hayes

Delegate Hayes provided the Joint Commission members with an update on the Consumer Data Protection Act (the Act), HB 2307 (Hayes, 2021 Special Session I) and SB 1392 (Marsden, 2021 Special Session I), and the Act's impact on data privacy legislation in other states. He noted that since the Act passed in 2021, 11 states have passed data privacy laws consistent and comparable with the Commonwealth's, including Colorado in 2021, Utah and Connecticut in 2022, and Texas in 2023, and that 39 percent of United States citizens are now covered by state data privacy laws.

Presentations: Content Authenticity

Mounir Ibrahim, Executive Vice President of Public Affairs, Truepic

Lindsay Gorman, Senior Fellow for Emerging Technologies, German Marshall Fund's Alliance for Securing Democracy

Julie Babayan, Head of Policy Development, Adobe

The Joint Commission members heard several presentations on content authenticity and received suggestions on the leadership role that the Commonwealth can play in educating the public about the dangers of misinformation. Mr. Ibrahim's presentation focused on why authenticity in content matters, emphasizing Truepic's capability of providing provenance-based solutions to businesses around the world. He also discussed introducing transparency and authenticity to social media via the Coalition for Content Provenance and Authenticity (C2PA) standard, which is available for use by any entity. Senator Adam P. Ebbin asked if other countries were ahead of the United States in engaging in practices or enacting laws that discourage deepfakes. Ms. Gorman and Mr. Ibrahim agreed that they are, noting that the European Parliament recently passed legislation in reference to watermarking and that China is not allowing companies to use artificial intelligence (AI) technologies at all.

Ms. Gorman's presentation provided information on potential prevention and protection measures against AI deception and misinformation such as utilizing content authenticity architectures, C2PA open standards, partnerships between media and technical organizations, and deepfake detectors that are built into platforms. The Joint Commission members discussed the REAL Political Advertisements Act, which was introduced in the United States Congress this year, and how the Commonwealth can implement content authenticity architectures.

Ms. Babayan's presentation focused on Adobe's AI innovation, including its new text-to-image creative generative AI model and its content credential technology that uses open industry standards to prove what is true for images, audio, video, and documents.

Other Business

Staff counsel provided an overview of the Joint Commission's Electronic Participation Policy, which allows members to participate in meetings by electronic means as permitted by § 2.2-3708.3 of the Code of Virginia. The Joint Commission members unanimously voted to adopt the policy, a copy of which is located on the Joint Commission's [website](#).

The Joint Commission also received an update from staff counsel on the legislative work plan for the 2023 interim, which consists of studying (i) how the Commonwealth can use technology to



address health disparities; (ii) best practices for addressing ransomware and whether a prohibition on the payment of ransoms should be adopted; (iii) data protections for children as they relate to the Consumer Data Protection Act, as introduced by SB 1026 (Suetterlein, 2023) and HB 1688 (Brewer, 2023); and (iv) the practice of unwanted telephone and text message solicitations.

Staff counsel is working on finding interested parties and experts to provide input on the topics included in the interim work plan and encouraged those interested in participating, particularly for the studies on data protections for children and the practice of unwanted telephone and text message solicitations, to reach out to the chairman's office by September 1.

The following is a summary of the information presented at the Commission's meeting on September 20, 2023, in Richmond:

Presentation: Use of Technology to Address Health Disparities

Dr. James Aylor and Dr. Rebecca Dillingham, Virginia Academy of Science Engineering and Medicine (VASEM)

Jen Thompson and Ron Tinsley, Conduent

The Joint Commission members heard a presentation from VASEM on how in-health technology can be utilized to reduce health disparities across the Commonwealth. Dr. Dillingham focused her presentation on those diagnosed with Human Immunodeficiency Virus (HIV) and the PositiveLinks/PlusLiving/PL Cares digital health platform. This mobile health (mHealth) platform, according to Dr. Dillingham, supports engagement in care and achievement of care goals. Three potential strategies Dr. Dillingham provided to extend mHealth is to increase access to smartphones, implement standards of usability and interoperability, and incentivize use of evidence-based digital therapeutics. Delegate Hayes asked Dr. Dillingham if the mHealth platforms presented were available to patients through public health departments. She maintained that departments such as the Virginia Health Department have provided tremendous support to make these platforms available to people of all income levels and accessible to all insurance types.

Ms. Thompson and Mr. Tinsley's presentation provided an overview of Conduent and how it supports health equity and disease tracking solutions. Conduent uses their Healthy Communities Institute (HCI) platform throughout the Commonwealth for community health improvement and collaboration. Ms. Thompson and Mr. Tinsley also provided information on Conduent's Maven Disease Surveillance and Outbreak Management System and how it provides a platform for healthcare professionals across the world to monitor, report, and understand disease outbreaks.

Data Protections for Children and the Consumer Data Protection Act Update

Staff Counsel

Staff counsel provided the Joint Commission members with an update on the data protections for children study and provided a summary of a discussion with stakeholders and interested parties hosted by staff on Wednesday, September 13, 2023. After staff counsel's update, the members discussed the issue. Senator Barbara A. Favola began the discussion by asserting that, during the discussion, some participants mentioned tools that are available for parents to utilize to learn about children internet safety. They believed that mandates could be difficult to implement and there was consensus that the best way to move forward would be to address the topic with young people



through education in an age appropriate manner. Delegate Hayes followed up with a discussion of the current Virginia Consumer Data Protection Act (VCDPA), stating that anyone of any age can ask that their information not be sold nor distributed by contacting the office of the Attorney General of Virginia. Members directed staff to reach out to the Attorney General's office and Virginia Parent Teacher Association, to request a representative come speak, or provide an update, at the Joint Commission's next meeting.

Public Comment

- Ms. Amy Bos (Director of State and Federal Affairs, Net Choice) believed that legislation on this matter would put teens at risk of identity theft and fraud due to businesses having to collect more data from individuals. She provided information that California has an Age Appropriate Design Code which supports social media literacy in schools.
- Margaret Durkin (TechNet) had concerns about legislation due to VCDPA going in to effect this year. She stated that she would like to see its effects before making any changes or creating new legislation. Ms. Durkin urged the Joint Commission to continue to study the issue.
- Andrew Kingman (State Privacy and Security Coalition) submitted written comments echoing Delegate Hayes' sentiments that anyone in the Commonwealth has the right to opt out of the collection or distribution of their information.

Best Practices for Addressing Ransomware Study Update

Staff Counsel

The Joint Commission members received an update from staff counsel on the ransomware study and a summary of the discussion with interested parties hosted on Monday, September 18, 2023. Interested parties and experts discussed general best practices and prohibitions on payments of ransom demands. The Joint Commission discussed what protections other states have to address ransomware attacks, with North Carolina and Florida having a prohibition on payments of ransomware demands. The interest group made two recommendations: (i) work with federal resources and existing state programs and resources; (ii) facilitate collaboration among localities to facilitate and bolster one another.

The following is a summary of the information presented at the Commission's meeting on October 18, 2023, in Richmond:

Presentation: Application Modernization and Workforce Development

Jeremiah Sanders, Senior Transformation Strategist, VMware

The Joint Commission members received a presentation from VMware on how the Commonwealth can drive digital transformation using the Digital Operational Resilience Act (DORA) to ensure elite performing information technology (IT) organizations. DORA ensures capabilities such as continuous, lean management and monitoring, architecture, product and process, and cultural. Mr. Sanders also described VMware's Software Factory Model for Digital as a model that combines automation, ubiquitous layered abstractions, and culture of service to ensure adequate outcomes. Mr. Sanders provided several suggestions for the Joint Commission on how to tackle large scale IT transformations to include, learning how to work with IT in new and



efficient ways, enabling a new way of work that focuses on mission outcomes, valuing constituent value and outcomes, and leveraging innovation and growth models.

Presentation: Xfinity Storm-Ready WiFi Technology

Terry Ellis, Vice President, Government Affairs, Comcast

Neil Mortenson, Manager, Product Management, Comcast

The Joint Commission members heard from two Comcast representatives on Xfinity's Storm Ready WiFi Technology. Ms. Ellis provided a description of Comcast's storm-ready WiFi which includes a storm-ready device and battery backup to help keep homes online for up to four hours through network and power outages using 4G LTE cellular network. Mr. Mortenson described how the storm-ready device provides WiFi coverage to an entire home and how it communicates detected outages to local Energy providers.

After hearing the presentation, Delegate Mike A. Cherry led the discussion by asking what the price range is for the storm-ready device. Mr. Mortenson responded by stating that the upfront purchase option is \$242 while the finance option is \$7 per month over three years. Both options are customer owned and non-contractual as long as they are Xfinity customers.

Data Protections for Children and the Consumer Data Protection Act Study Update

The Joint Commission members heard from Jenna Alexander and Lauren Klute with the Virginia Parent Teacher Association (PTA). They provided a presentation on student data protection and explained that most students have an online identity before the school years starts with Google accounts and emails, student assignment and assessment portals, and student learning applications such as Quizlet, however, all being created with parent or guardian permission and set up by teachers. They also stated that students can receive school communications through social media applications. Ms. Alexander and Ms. Klute stated that protections for student privacy should be expanded while educating families and students in technology. They also provided the Joint Commission with resources that they currently use for technology education such as FamilyTechTalk.

Delegate A.C. Cordoza asked the presenters to elaborate on potential reasons for calling to change the current Children and Teen's Online Privacy Protection Act (COPPA) age requirement from 13 to 16. Ms. Alexander and Ms. Klute specified that the age change should be expanded to protect students as they are entering high school age. They did not believe the age range should be expanded to 18 due to concerns with college aged students. Senator David W. Marsden followed-up by asking what the presenters believed would be a realistic time-frame to enact these safeguards and how much time would be needed if state legislation were to follow. The presenters stated that it is easier for local schools to implement permission clicks, to automate processes, to provide protections for teenagers.

The Practice of Unwanted Telephone and Text Message Solicitations Study Update

Staff counsel provided an update of existing laws and potential recommendations on the practice of unwanted telephone and text message solicitations study and HB1504 (Orrock, 2023). Staff counsel indicated that there are existing laws relating to unwanted telephone and text message solicitations, that enforcement measures of such provisions are generally covered by federal agencies and through the office of the Virginia General Attorney, and that HB1504 sought to



strengthen existing Virginia law regarding text solicitations. Unfortunately staff has not received any response from interested parties to participate in the study.

Other Business

Senator Adam P. Ebbin directed staff counsel to conduct research on deep fakes and generative artificial intelligence (AI) policy considerations for drafting legislation, focusing on campaign advertising and consumer protection. Staff counsel provided the Joint Commission with preliminary findings and a document of considerations, including:

Deepfake/Generative AI policy considerations for drafting legislation:

Campaign advertising deepfakes/generative AI

1. Definition of deep fakes/generative AI--regarding scope, extent of use, subject (candidate, constituent, others)
2. Disclosure requirements--what to disclose and how, consistent with other campaign advertising disclosures or other requirements
3. Which advertisements are covered-- should it apply only to video, or any other forms of media
4. Penalties--consistent with other campaign advertisement penalties or different

Deepfakes/generative AI and consumer protection

1. Crime vs. Consumer protection violation
2. Bolster current enforcement, and include deepfakes/generative AI as an additional category to watch for in existing enforcement tools (reporting methods, agency powers, resources for informing the public)
3. Potential workgroup for further study
4. Identify agencies, advocacy groups, stakeholders for input

Senator Ebbin posed a few questions for members to consider, including: (i) should we do anything preemptive to stop people from manipulating voice and image likeness; (ii) should we wait to deal with this topic after an incident occurs; or (iii) should we discuss ways to forbid it? Senator Marsden stated that it would be interesting to have further dialogue from Adobe to determine whether their technologies could determine deep fake creations as opposed to images that have been edited.

Delegate Anne Ferrell Tata thanked Senator Ebbin for bringing up this topic and expressed that she had questions about whether it would also apply to identity theft and would like to see what other states are doing. Members of the Joint Commission directed staff counsel to research this topic further.



The following is a brief report on the Joint Commission on Technology and Science's (JCOTS) consideration of the practice of unwanted telephone solicitation calls and telephone solicitation calls via text message, reported to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor as directed by HB 1504 (Orrock, 2023).

Joint Commission on Technology and Science Report to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor on Telephone Solicitation Calls and Text Messages

During the June 8, 2023, JCOTS meeting, members voted to include in JCOTS's interim work plan a study of the practice of unwanted telephone and text message solicitations.

During the August 21, 2023, JCOTS meeting, staff presented the updated interim work plan, which included the study. Staff requested that any interested parties and experts on the topic reach out to the office of Delegate C.E. Cliff Hayes, Jr., Chair, by September 1, 2023, in order to give input for the study that staff would compile and report to JCOTS.

Neither Delegates Hayes's office nor staff received responses from interested parties or experts on the subject, either by September 1, 2023, or by the time of the October 18, 2023, meeting.

During the October 18, 2023, JCOTS meeting, staff gave a brief report on the study. Staff began the report with a summary of HB 1504 (as passed) and its directions for JCOTS. Staff then gave a brief overview of relevant law and guidelines, both state and federal, governing unsolicited calls and text messages, including enforcement mechanisms. Generally, Federal Communications Commission (FCC) guidelines and the Federal Trade Commission's (FTC) National Do Not Call Registry, which is enforced by the FCC, the FTC, a state's Office of the Attorney General, and others, are the primary federal mechanisms that cover this topic. At the state level, in addition to the Attorney General of Virginia's enforcement of the FTC Do Not Call Registry, the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq. of the Code of Virginia) provides additional protections, including a prohibition on unwanted telephone solicitation calls, calling time restrictions, and identification of the solicitor, among others.

Staff concluded the report with a short description of the purpose of HB 1504 (as introduced). The bill sought to add to the provisions of the Virginia Telephone Privacy Protection Act regarding a prohibition on unwanted telephone solicitation calls the ability for a person to make a statement that he does not wish to receive a solicitation by "responding to the text message with words such as "STOP," "UNSUBSCRIBE," or "OPT OUT" or similar words indicating that the person does not want to receive such telephone solicitation calls." Staff also mentioned that the fiscal impact statement for the introduced version of HB 1504 stated that the Office of the Attorney General and Department of Law indicated a fiscal impact.

Staff also indicated that no responses to the request for input from interested parties and experts were received.

After staff's report, JCOTS members asked whether any recommendations were made, and staff explained that because no responses from interested parties or experts were received, there were no recommendations received. Staff added that JCOTS members could make any recommendations they deemed appropriate, including measures such as further study, no action,



or those described in the introduced version of HB 1504, or any other recommendations they felt would be appropriate in addressing the issue. JCOTS members had no other questions.

JCOTS made no recommendations.

Additional resources:

- The recording of the October 18, 2023, meeting that includes the staff report on the topic, and all additional JCOTS meetings, can be viewed by clicking on the date of the meeting in the calendar here:
<https://viriniageneralassembly.gov/house/committees/commstream.html>

- HB1504 (Orrock, 2023) can be found here:

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb1504>

- The Virginia Telephone Privacy Protection Act can be found here:
<https://law.lis.virginia.gov/vacodepopularnames/virginia-telephone-privacy-protection-act/>

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

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