AN ACT CONCERNING INTERNET SERVICE PROVIDERS AND NET NEUTRALITY PRINCIPLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective January 1, 2021) (a) For the purposes of this section:

(1) "Broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capability that is incidental to and enables the operation of the service, but excluding dial-up Internet access service;

(2) "Content, applications and services" means all traffic transmitted to or from end users of a broadband Internet access service;

(3) "Edge provider" means any person or entity that provides (A) any content, application or service over the Internet, or (B) a device used for accessing any content, application or service over the Internet;

(4) "End user" means any person or entity that uses a broadband Internet access service;
(5) "Fixed broadband Internet access service" means a broadband Internet access service that services end users primarily at fixed endpoints using stationary equipment, including fixed wireless services, fixed unlicensed wireless services and fixed satellite services;

(6) "Mobile broadband Internet access service" means a broadband Internet access service that serves end users primarily using mobile stations;

(7) "Net neutrality principles" means the provisions described in subsections (d) to (g), inclusive, of this section;

(8) "Paid prioritization" means the management of a broadband Internet access service provider’s network to directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation or other forms of preferential traffic management either (A) in exchange for monetary or other consideration from a third party, or (B) to benefit an affiliated entity;

(9) "Authority" means the Public Utilities Regulatory Authority; and

(10) "Reasonable network management" means a network management practice that has a primarily technical network management justification, but does not include other business practices, provided a network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, as determined by the authority, taking into account the particular network architecture and technology of the broadband Internet access service.

(b) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall register with the authority, in a manner prescribed by the authority. Beginning with January 1, 2021, and on or before each January first thereafter, each registered person or entity shall pay an annual registration fee to the
authority in the amount of five thousand dollars.

(c) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall publicly disclose accurate information regarding the network management practices, performance and commercial terms of its broadband Internet access services sufficient, as determined by the authority, for end users of such services to fully and accurately ascertain if the service is in compliance with this section.

(d) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall not block lawful content, applications, services, as determined by the authority, or nonharmful devices, as determined by the authority, subject to reasonable network management.

(e) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall not impair or degrade lawful Internet traffic on the basis of Internet content, application or service, or use of a nonharmful device, subject to reasonable network management.

(f) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall not engage in paid prioritization.

(g) Any person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall not interfere with or disadvantage an (1) end users' ability to select, access and use broadband Internet access service or lawful Internet content, applications or services, or devices of such end users' choice, or (2) edge providers' ability to make lawful content, applications, services or devices available to end users, provided such person or entity may engage in reasonable network management.

(h) The authority shall receive and record complaints of any end user
of broadband Internet access service within the state. Upon receipt of
such complaints, the authority may, in its discretion, review the
performance of a person or entity engaged in the provision of fixed or
mobile broadband Internet access service. The authority, upon a finding
that any such person or entity failed to comply with the net neutrality
principles described in this section, shall make orders, after a hearing
that is conducted as a contested case in accordance with chapter 54 of
the general statutes, to enforce the provisions of this section and may
levy civil penalties against such person or entity, pursuant to section 16-
41 of the general statutes, for noncompliance.

(i) Nothing in this section shall be considered to supersede or limit
any obligation or authorization a person or entity engaged in the
provision of fixed or mobile broadband Internet access services may
have to address the needs of emergency communications, law
enforcement, public safety or national security authorities, consistent
with or as permitted by applicable law. Nothing in this section shall be
construed to prohibit reasonable efforts by a person or entity engaged
in the provision of fixed or mobile broadband Internet access services to
address copyright infringement or other unlawful activity.

Sec. 2. (NEW) (Effective October 1, 2020) (a) For the purposes of this
section:

(1) "Browsing history" means information that shows a consumer
accessed a specific web site;

(2) "Consumer" means an Internet service account holder, such
account holder's immediate family and any other person such account
holder permits to access the Internet through use of such account
holder's account;

(3) "Express and affirmative permission" means permission that (A)
is explicitly solicited in writing or by electronic means separate from any
other terms of service or items of consent, (B) is clear and succinct, (C)
clearly identifies any person to whom an Internet service provider will
transfer personally identifying information, (D) outlines the scope of the personally identifying information to be transferred, (E) includes a warning that after the grant of such permission, state law cannot guarantee that the person who receives such personally identifying information will not transfer that information to a third party or otherwise publicize such personally identifying information, (F) is sought by an Internet service provider for each person to whom it seeks to transfer such personally identifying information, and (G) expires not later than one year after such permission is granted;

(4) "Internet service provider" means a company that provides consumers with connectivity to the Internet and operates in the state, including any such company that sells Internet service in the state; and

(5) "Personally identifying information" means the following information relating to a consumer using an Internet service provider to connect to the Internet: (A) Such consumer's name, address, Social Security number, geographic location or browsing history, (B) the Internet protocol address associated with an electronic device that belongs to such consumer, (C) the content of such consumer's communications with anyone other than the Internet service provider, and (D) any information about such consumer's spouse, children, health or finances.

(b) An Internet service provider may not sell or transfer a consumer's personally identifying information to a person without such consumer's express and affirmative permission.

(c) An Internet service provider may not send or display to a consumer an advertisement that has been selected to be sent or displayed because of such consumer's browsing history without such consumer's express and affirmative permission.

(d) An Internet service provider may not refuse to provide its services to a consumer because of such consumer's refusal to provide express and affirmative permission to the Internet service provider pursuant to
subsection (b) and (c) of this section.

(e) The Public Utilities Regulatory Authority shall receive and record complaints of any Internet service provider. Upon receipt of such complaints, the authority may, in its discretion, review the performance of the Internet service provider engaged in, without a consumer's express and affirmative permission, the (1) sale or transfer of such consumer's personally identifying information, (2) transmission or display of an advertisement that was selected for transmission or display because of such consumer's browsing history, or (3) refusal to provide its services because of such consumer's refusal to provide express and affirmative permission. The authority, upon a finding that any such Internet service provider failed to comply with the provisions described in this section, shall make orders, after a hearing that is conducted as a contested case in accordance with chapter 54 of the general statutes, to enforce the provisions of this section and may levy civil penalties against such Internet service provider, pursuant to section 16-41 of the general statutes, for noncompliance.

(f) This section shall not apply to an Internet service provider that transmits a consumer's personally identifying information (1) in response to a subpoena, summons, warrant or court order that appears on its face to be issued in accordance with lawful authority, or (2) to the consumer to whom such personally identifying information pertains.

This act shall take effect as follows and shall amend the following sections:

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<td>January 1, 2021</td>
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<td>2</td>
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Statement of Purpose:
To require Internet service providers to register and pay registration fees and to require the Public Utilities Regulatory Authority to apply net neutrality principles to Internet service providers and enforce such principles with civil penalties.
Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. ANWAR, 3rd Dist.; SEN. CASSANO, 4th Dist.
SEN. COHEN, 12th Dist.; SEN. DAUGHERTY ABRAMS, 13th Dist.
SEN. FLEXER, 29th Dist.; SEN. HASKELL, 26th Dist.
SEN. KUSHNER, 24th Dist.; SEN. LESSER, 9th Dist.
SEN. MARONEY, 14th Dist.; SEN. MOORE, 22nd Dist.
SEN. NEEDLEMAN, 33rd Dist.; SEN. OSTEN, 19th Dist.
SEN. SLAP, 5th Dist.; SEN. WINFIELD, 10th Dist.

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