AN ACT CONCERNING DATA PRIVACY, NET NEUTRALITY, CYBER SECURITY AND FAIRNESS IN DATA USAGE IN THE NEW AGE OF A DIGITAL WORKFORCE.

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

Section 1. (NEW) (Effective July 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; and

(9) "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 Public Utilities Regulatory Authority, in a manner prescribed by the authority. On January 1, 2022, and each subsequent 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 user's ability to select, access and use broadband Internet access service or lawful Internet content, applications or services, or devices of such end user's choice, or (2) edge provider's 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 July 1, 2020) (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 capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service;

(2) "Broadband Internet access service provider" means any person or entity that provides broadband Internet access service through facilities occupying public highways or streets authorized by the Public Utilities Regulatory Authority, including through a certificate of public convenience and necessity, a certificate of video franchise authority, a
certificate of cable franchise authority, or as a certified telecommunications provider;

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

(4) "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;

(5) "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 a broadband Internet access 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 a broadband Internet access 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; and

(6) "Personally identifying information" means the following information relating to a consumer using a broadband Internet access 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 broadband Internet access service provider, and (D) any information about such consumer's spouse, children, health or finances.
(b) No broadband Internet access service provider shall sell or transfer a consumer's personally identifying information to a person without such consumer's express and affirmative permission.

(c) No broadband Internet access service provider shall 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) No broadband Internet access service provider shall refuse to provide its services to a consumer because of such consumer's refusal to provide express and affirmative permission to the broadband Internet access service provider pursuant to subsections (b) and (c) of this section.

(e) The Public Utilities Regulatory Authority shall receive and record complaints of any broadband Internet access service provider. Upon receipt of such complaints, the authority may, in its discretion, review the performance of the broadband Internet access 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 broadband Internet access 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 broadband Internet access service provider, pursuant to section 16-41 of the general statutes, for noncompliance.

(f) This section shall not apply to a broadband Internet access 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.

Sec. 3. (NEW) (Effective July 1, 2021) (a) As used in 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 capabilities that are incidental to and enable the operation
of the communications service, but excluding dial-up Internet access
service;

(2) "Broadband Internet access service provider" means any person or
entity that provides broadband Internet access service through facilities
occupying public highways or streets authorized by the Public Utilities
Regulatory Authority, including through a certificate of public
convenience and necessity, a certificate of video franchise authority, a
certificate of cable franchise authority, or as a certified
telecommunications provider;

(3) "Make-ready" means the modification or replacement of a public
utility pole, or of the lines or equipment on the public utility pole, to
accommodate additional facilities on the pole; and

(4) "One-touch make-ready" means make-ready in which the person
attaching new equipment to a public utility pole performs all of the
make-ready work.

(b) On or before January 31, 2022, the Public Utilities Regulatory
Authority shall develop a process in an uncontested proceeding for the
construction of facilities in the public highways, streets or other public
rights-of-way to ensure timely and nondiscriminatory procedures that
accomplish public utility pole attachments and conduit excavations for
telecommunications service providers and broadband Internet access
service providers.
(c) On or before January 31, 2022, the authority shall develop a one-touch make-ready process in an uncontested proceeding for attachments of telecommunications service and broadband Internet access service facilities on public utility poles to be implemented by the owners of such public utility poles.

(d) On or before January 31, 2022, the authority shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to energy, the Office of State Broadband, the Department of Energy and Environmental Protection, the Department of Economic and Community Development and the Department of Transportation. Such report shall include the authority's fully developed one-touch make-ready process.

(e) Upon application by the Internet access service providers for the construction of underground facilities that will contain conduit for telecommunications service providers or broadband Internet access service providers, the authority shall condition any approval of such application on the following conditions:

(1) The size of such conduit must be consistent with industry best practices and sufficient to accommodate potential demand;

(2) Any handholes and manholes for fiber optic cable access and pulling with respect to each such practice are placed at intervals consistent with industry best practices;

(3) Such conduit shall be installed with a pull tape and capabilities of supporting additional fiber optic cable;

(4) The applicant shall notify telecommunications service providers and broadband Internet access service providers of the proposed excavation to reduce the potential for future street excavations in the same location;

(5) Any requesting telecommunications service provider or broadband Internet access service provider shall be able to access such
conduit on a competitively neutral and nondiscriminatory basis and for
a charge not to exceed a cost-based rate; and

(6) The applicant shall report to the authority upon completion of any
approved construction verifying that it has complied with the
provisions of this subsection.

(f) For excavations in the state highway rights-of-way, the applicant
shall comply with the Department of Transportation’s encroachment
permit process, including the payment of any applicable fees. Any
application for construction in the public highways, streets or other
public rights-of-way shall require the applicant to install a conduit for
the benefit of the Department of Transportation, as required by section
16-233 of the general statutes.

(g) The Commissioner of Transportation is authorized to lease space,
or enter into any other contract or agreement to permit access to such
space, in any conduit installed by the Department of Transportation in
the public highways, streets or other public rights-of-way on such terms
and conditions, and for any purpose, deemed to be in the public interest
by said commissioner.

(h) Nothing herein shall be construed to limit the use of conduit by
the Department of Transportation on public highways, streets or other
public rights-of-way as otherwise permitted by law.

(i) Any applicant for a public utility pole attachment license made to
the owner or custodian of a public utility pole shall be granted a
temporary license within thirty days of submitting a complete license
application and a permanent license within ninety days of submitting a
complete license application.

(j) The authority shall establish an expedited dispute resolution
process to address any issues that may arise between an individual
attaching telecommunications service or broadband Internet access
service facilities on a public utility pole and the owner or custodian of
such pole.

(k) All public service companies, as defined by section 16-1 of the general statutes, and other persons that are authorized by the authority to install facilities in, under or over the public highways, streets or other public rights-of-way shall obey, observe and comply with this section and each applicable order made by the authority with respect to pole attachments and underground conduit. Failure to comply with this section or applicable orders of the authority may result in a fine up to one hundred thousand dollars for a wilful violation or up to fifty thousand dollars for any other violations. The authority shall impose any such civil penalty in accordance with the procedure established in section 16-41 of the general statutes. Any such fines are not recoverable costs in any rate proceeding conducted by the authority.

Sec. 4. (NEW) (Effective July 1, 2021) (a) As used in 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 capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service;

(2) "Broadband Internet access service provider" means any person or entity that provides broadband Internet access service through facilities occupying public highways or streets authorized by the Public Utilities Regulatory Authority, including through a certificate of public convenience and necessity, a certificate of video franchise authority, a certificate of cable franchise authority, or as a certified telecommunications provider; and

(3) "Data cap" means a limit on, or a fee-based structure with the purpose of limiting, the broadband Internet download and upload speeds a consumer may utilize during a period of time specified by a broadband Internet access service provider.
(b) On and after October 1, 2021, each broadband Internet access service provider shall include an explanation for each charge appearing on a customer's bill, including, but not limited to, all usage fees associated with such customer's data cap.

Sec. 5. (Effective July 1, 2021) The Public Utilities Regulatory Authority shall conduct a study to identify cybersecurity issues facing the state and to make recommendations regarding specific actions that the state can implement to promote and coordinate communication between government entities, law enforcement, institutes of higher education, the private sector and the public to improve cybersecurity preparedness. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.

Sec. 6. (Effective July 1, 2021) The Public Utilities Regulatory Authority shall conduct a study to examine the state's data privacy laws and to make recommendations regarding possible legislation to improve the state's data privacy laws. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.

Sec. 7. (Effective July 1, 2021) The Public Utilities Regulatory Authority shall conduct a study to determine whether to create a tax safe harbor for organizations in the state that adopt a written cybersecurity plan based on the National Institute of Standards and Technology Cybersecurity Framework or the Center for Internet Security Controls. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.
Sec. 8. (Effective July 1, 2021) The Public Utilities Regulatory Authority shall conduct a study to determine whether to expand the oversight authority of local advisory councils. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.

Sec. 9. (Effective July 1, 2021) The Public Utilities Regulatory Authority shall conduct a study to determine how two or more municipalities may consolidate resources and optimize fiber optic connections in order to meet the broadband Internet access service needs of said municipality’s residents and businesses. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.

Sec. 10. Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) For the purposes of this section: ["course of conduct"]

(1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, [(1)] (A) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to, a person, or [(2)] (B) interferes with a person's property; [and "emotional distress"]

(2) "Emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling;

(3) "Personally identifying information" means:
(A) Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, phone number or biometric data;

(B) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

(C) Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction; and

(4) "Serious inconvenience" means that a person significantly modifies the person's actions or routines in an attempt to avoid the actor or because of the actor's conduct. "Serious inconvenience" includes, but is not limited to, changing a telephone number, changing an electronic mail address, deleting or meaningfully changing or significantly decreasing use of the Internet, moving from an established residence, changing daily routines, changing routes to and from place of employment, changing employment or employment schedule or losing time from employment.

(b) A person is guilty of stalking in the second degree when:

(1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for such person's physical safety or the physical safety of a third person, or (B) suffer emotional distress; or

(2) Such person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact at such other person's place of employment or business, provided the actor

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was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity.

(3) Such person intentionally, and for no legitimate purpose, by means of electronic communication, including, but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing such disclosure would cause a reasonable person to:

(A) Fear for such person's physical safety or the physical safety of a third person;

(B) Fear damage or destruction to or tampering with the property owned by or in possession or control of the person;

(C) Suffer emotional distress; or

(D) Suffer serious inconvenience.

(c) For the purposes of this section, a violation may be deemed to have been committed either at the place where the communication originated or at the place where it was received.

[(c)] (d) Stalking in the second degree is a class A misdemeanor.

Sec. 11. Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d, as amended by this act, and (1) such person has previously been convicted of a violation of section 53a-181d, as amended by this act, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

Sec. 12. Section 53a-129e of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2021):

(a) A person is guilty of trafficking in personal identifying information when such person sells, gives or otherwise transfers personal identifying information, as defined in section 53a-129a, of another person to a third person knowing that such information has been obtained without the authorization of such other person and that such third person intends to use such information for an unlawful purpose, including, but not limited to, a violation of section 53a-181d, as amended by this act.

(b) Trafficking in personal identifying information is a class D felony.

Sec. 13. (NEW) (Effective October 1, 2021) Any person aggrieved by a violation of subdivision (3) of subsection (b) of section 53a-181d of the general statutes, as amended by this act, may bring a civil action in the superior court for the judicial district where such person resides or the judicial district of Hartford against the person or persons who committed such violation to recover actual damages, statutory damages of not more than one thousand dollars for each violation, and a reasonable attorney's fee.

Sec. 14. Subsection (e) of section 10-221 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(e) Not later than July 1, 1990, each local and regional board of education shall adopt a written policy and procedures for dealing with youth suicide prevention and youth suicide attempts. Each such board of education may establish a student assistance program to identify risk factors for youth suicide, procedures to intervene with such youths, referral services and training for teachers and other school professionals and students who provide assistance in the program. Not later than October 1, 2021, the board shall make such policy and procedures available on the Internet web site of the board and each individual school in the school district.
This act shall take effect as follows and shall amend the following sections:

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Statement of Purpose:
To: (1) Require the Public Utilities Regulatory Authority to apply net neutrality principles to broadband Internet access service providers and enforce such principles with civil penalties; (2) direct the authority to conduct studies on cybersecurity and data privacy laws in the state; and (3) extend the crime of stalking in the second degree to certain electronic disclosures of personal identifiable information without consent; and (4) establish a civil action for victims of such crime and require school boards to post existing suicide prevention policies and procedures on their Internet web sites.

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. MCCRARY, 2nd Dist.; SEN. ANWAR, 3rd Dist.
SEN. CASSANO, 4th Dist.; SEN. SLAP, 5th Dist.
SEN. LESSER, 9th Dist.; SEN. WINFIELD, 10th Dist.
SEN. COHEN, 12th Dist.; SEN. DAUGHERTY ABRAMS, 13th Dist.
SEN. CABRERA, 17th Dist.; SEN. MOORE, 22nd Dist.
SEN. KUSHNER, 24th Dist.; SEN. HASKELL, 26th Dist.
SEN. FLEXER, 29th Dist.; SEN. KASSER, 36th Dist.
Committee Bill No. 4

SEN. BRADLEY, 23rd Dist.; REP. CONLEY, 40th Dist.
REP. TURCO, 27th Dist.

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