

SENATE BILL 287

P1, L6

8lr1739

By: **Senators Manno, Currie, Guzzone, Kelley, Peters, and Pinsky**

Introduced and read first time: January 22, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Funds – Procurement of Services From Internet Service Providers –**
3 **Restriction**

4 FOR the purpose of providing that State funds may be used only by the State, a political
5 subdivision, or a unit, an agency, or any instrumentality of the State or a political
6 subdivision or by a person awarded a contract or grant by certain persons to procure
7 services from an Internet Service Provider that does not block certain content
8 applications, services, and devices, impair or degrade certain Internet traffic on a
9 certain basis, or engage in certain commercial traffic preferencing; defining certain
10 terms; and generally relating to the use of State funds to procure services from
11 Internet Service Providers.

12 BY adding to

13 Article – State Finance and Procurement

14 Section 2–801 to be under the new subtitle “Subtitle 8. Restrictions on the Use of
15 State Funds”

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – State Finance and Procurement**

21 **SUBTITLE 8. RESTRICTIONS ON THE USE OF STATE FUNDS.**

22 **2–801.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “INTERNET-CONNECTED DEVICE” MEANS A PHYSICAL OBJECT**
2 **THAT:**

3 **(I) IS CAPABLE OF CONNECTING TO AND IS IN REGULAR**
4 **CONNECTION WITH THE INTERNET; AND**

5 **(II) HAS COMPUTER PROCESSING CAPABILITIES THAT CAN**
6 **COLLECT, SEND, OR RECEIVE DATA.**

7 **(3) (I) “REASONABLE NETWORK MANAGEMENT” MEANS A**
8 **NETWORK MANAGEMENT PRACTICE THAT HAS PRIMARILY TECHNICAL NETWORK**
9 **MANAGEMENT JUSTIFICATION.**

10 **(II) “REASONABLE NETWORK MANAGEMENT” INCLUDES A**
11 **PRACTICE THAT IS PRIMARILY USED FOR AND TAILORED TO ACHIEVING A**
12 **LEGITIMATE NETWORK MANAGEMENT PURPOSE, TAKING INTO ACCOUNT THE**
13 **PARTICULAR NETWORK ARCHITECTURE AND TECHNOLOGY OF THE BROADBAND**
14 **INTERNET ACCESS SERVICE.**

15 **(III) “REASONABLE NETWORK MANAGEMENT” DOES NOT**
16 **INCLUDE OTHER BUSINESS PRACTICES.**

17 **(B) STATE FUNDS MAY BE USED ONLY BY THE STATE, A POLITICAL**
18 **SUBDIVISION, OR A UNIT, AN AGENCY, OR ANY INSTRUMENTALITY OF THE STATE OR**
19 **A POLITICAL SUBDIVISION OR A PERSON AWARDED A CONTRACT OR GRANT BY THE**
20 **STATE, A POLITICAL SUBDIVISION, OR A UNIT, AN AGENCY, OR ANY**
21 **INSTRUMENTALITY OF THE STATE OR A POLITICAL SUBDIVISION TO PROCURE**
22 **SERVICES FROM AN INTERNET SERVICE PROVIDER THAT DOES NOT:**

23 **(1) BLOCK LAWFUL CONTENT, APPLICATIONS, SERVICES, OR**
24 **NONHARMFUL DEVICES, SUBJECT TO REASONABLE NETWORK MANAGEMENT;**

25 **(2) IMPAIR OR DEGRADE LAWFUL INTERNET TRAFFIC ON THE BASIS**
26 **OF INTERNET CONTENT, APPLICATION, OR SERVICE, OR USE OF A NONHARMFUL**
27 **DEVICE, SUBJECT TO REASONABLE NETWORK MANAGEMENT; AND**

28 **(3) ENGAGE IN COMMERCIAL TRAFFIC PREFERENCING, INCLUDING**
29 **TRAFFIC SHAPING, PRIORITIZATION, RESOURCE RESERVATION, OR OTHER FORMS**
30 **OF PREFERENTIAL TRAFFIC MANAGEMENT, EITHER:**

31 **(I) IN EXCHANGE FOR CONSIDERATION FROM A THIRD PARTY;**
32 **OR**

1 **(II) TO BENEFIT AN AFFILIATED ENTITY.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2018.