

HOUSE BILL 1553

C9, I4, P1

5lr3597

By: **Delegate Fair**

Introduced and read first time: February 25, 2025

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Broadband Access – Low–Income Consumer Programs**
3 **(Maryland Broadband Opportunity and Fairness Act)**

4 FOR the purpose of requiring each broadband provider in the State to establish a program
5 to provide broadband services to eligible low–income consumers at certain prices
6 depending on speed on or before a certain date; authorizing the Office of Statewide
7 Broadband in the Department of Housing and Community Development to exempt
8 certain providers from the requirement to establish a program; altering the duties of
9 the Office; and generally relating to broadband access for low–income consumers.

10 BY repealing and reenacting, with amendments,
11 Article – Commercial Law
12 Section 13–301(14)(xlii)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Commercial Law
17 Section 13–301(14)(xliii)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Commercial Law
22 Section 13–301(14)(xliv); and 14–5001 through 14–5005 to be under the new subtitle
23 “Subtitle 50. Maryland Broadband Opportunity and Fairness”
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Housing and Community Development

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6.5–101
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Housing and Community Development
6 Section 6.5–104(a)(1), (2), (4), and (5) and (e)
7 Annotated Code of Maryland
8 (2019 Replacement Volume and 2024 Supplement)

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

11 **Article – Commercial Law**

12 13–301.

13 Unfair, abusive, or deceptive trade practices include any:

14 (14) Violation of a provision of:

15 (xlii) Section 12–6C–09.1 of the Health Occupations Article; [or]

16 (xliii) Title 14, Subtitle 48 of this article; or

17 (XLIV) **TITLE 14, SUBTITLE 50 OF THIS ARTICLE; OR**

18 **SUBTITLE 50. MARYLAND BROADBAND OPPORTUNITY AND FAIRNESS.**

19 **14–5001.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) (1) **“BROADBAND SERVICE” MEANS A MASS–MARKET RETAIL SERVICE**
23 **THAT PROVIDES THE CAPABILITY TO TRANSMIT DATA TO AND RECEIVE DATA FROM**
24 **ALL OR SUBSTANTIALLY ALL INTERNET ENDPOINTS, INCLUDING ANY CAPABILITIES**
25 **THAT ARE INCIDENTAL TO AND ENABLE THE OPERATION OF COMMUNICATIONS**
26 **SERVICES PROVIDED BY A WIRELINE, FIXED WIRELESS, MOBILE WIRELESS**
27 **BROADBAND, OR SATELLITE SERVICE PROVIDER.**

28 (2) **“BROADBAND SERVICE” DOES NOT INCLUDE DIAL–UP SERVICE.**

29 (C) **“LOW–INCOME CONSUMER” MEANS AN INDIVIDUAL WHOSE HOUSEHOLD**
30 **OR AT LEAST ONE MEMBER OF THE HOUSEHOLD:**

1 **(1) MEETS THE ELIGIBILITY CRITERIA FOR:**

2 **(I) FREE AND REDUCED PRICED MEAL PROGRAMS**
3 **ESTABLISHED BY THE U.S. DEPARTMENT OF AGRICULTURE;**

4 **(II) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**
5 **BENEFITS; OR**

6 **(III) MEDICAID BENEFITS;**

7 **(2) IN THE PRIOR TAXABLE YEAR, MET THE ELIGIBILITY CRITERIA**
8 **FOR:**

9 **(I) THE MARYLAND EARNED INCOME TAX CREDIT; OR**

10 **(II) THE CREDIT FOR THE ELDERLY AND THE PERMANENTLY**
11 **AND TOTALLY DISABLED UNDER 26 U.S.C. § 22;**

12 **(3) RECEIVES A BENEFIT THROUGH A LOW-INCOME ENERGY**
13 **ASSISTANCE PROGRAM; OR**

14 **(4) HAS AN ANNUAL HOUSEHOLD INCOME AT OR BELOW 200% OF THE**
15 **FEDERAL POVERTY GUIDELINES.**

16 **(D) “OFFICE” MEANS THE OFFICE OF STATEWIDE BROADBAND IN THE**
17 **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

18 **(E) “PROGRAM” MEANS A LOW-INCOME CONSUMER PROGRAM.**

19 **(F) “PROVIDER” MEANS A PERSON THAT PROVIDES BROADBAND SERVICE.**

20 **14-5002.**

21 **(A) ON OR BEFORE DECEMBER 1, 2025, EACH PROVIDER IN THE STATE**
22 **SHALL ESTABLISH A LOW-INCOME CONSUMER PROGRAM.**

23 **(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A**
24 **PROGRAM SHALL OFFER BROADBAND SERVICE TO ELIGIBLE LOW-INCOME**
25 **CONSUMERS AT A PRICE NOT TO EXCEED:**

1 **(I) \$15 PER MONTH, INCLUDING TAXES AND FEES, FOR A**
2 **MINIMUM BROADBAND SPEED OF 100 MEGABITS PER SECOND DOWNLOAD SPEED**
3 **AND 20 MEGABITS PER SECOND UPLOAD SPEED; OR**

4 **(II) \$20 PER MONTH, INCLUDING TAXES AND FEES, FOR A**
5 **MINIMUM BROADBAND SPEED OF 200 MEGABITS PER SECOND DOWNLOAD SPEED**
6 **AND 20 MEGABITS PER SECOND UPLOAD SPEED.**

7 **(2) THE OFFICE MAY MODIFY THE DOWNLOAD AND UPLOAD SPEEDS**
8 **REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION FOR AREAS OF THE STATE IN**
9 **WHICH SUCH SPEEDS ARE NOT REASONABLY PRACTICABLE.**

10 **(3) (I) A PROVIDER MAY, ONCE EVERY 3 YEARS, INCREASE THE**
11 **PRICE OF BROADBAND SERVICE PROVIDED UNDER THE PROVIDER'S PROGRAM BY**
12 **THE LESSER OF:**

13 **1. THE MOST RECENT CHANGE IN THE CONSUMER**
14 **PRICE INDEX FOR ALL URBAN CONSUMERS; OR**

15 **2. NOT MORE THAN 2% PER YEAR.**

16 **(II) A PROVIDER SHALL PROVIDE AT LEAST 30 DAYS' NOTICE OF**
17 **A PRICE INCREASE AUTHORIZED UNDER THIS PARAGRAPH TO CONSUMERS**
18 **CURRENTLY ENROLLED IN THE PROVIDER'S PROGRAM AND THE OFFICE BEFORE**
19 **INCREASING THE PRICE.**

20 **(C) A PROVIDER MAY NOT REQUIRE ENROLLMENT IN AN AUTOMATIC**
21 **PAYMENT PLAN AS A CRITERION FOR ELIGIBILITY IN A PROGRAM.**

22 **(D) A PROVIDER SHALL ALLOW CUSTOMERS ENROLLED IN THE PROVIDER'S**
23 **PROGRAM TO PURCHASE STANDALONE BROADBAND SERVICE, OR BROADBAND**
24 **SERVICE BUNDLED WITH CABLE TELEVISION OR PHONE SERVICE.**

25 **(E) ANY CONTRACT OR AGREEMENT FOR BROADBAND SERVICE OFFERED AS**
26 **PART OF A PROGRAM SHALL INCLUDE THE SAME TERMS AND CONDITIONS, OTHER**
27 **THAN PRICE AND BROADBAND SPEED, AS REGULARLY PRICED PLANS FOR SIMILAR**
28 **SERVICES OFFERED BY THE PROVIDER.**

29 **(F) (1) A PROVIDER SHALL MAKE ALL COMMERCIALY REASONABLE**
30 **EFFORTS TO PROMOTE AND ADVERTISE THE AVAILABILITY OF BROADBAND SERVICE**
31 **FOR LOW-INCOME CONSUMERS AND ENROLLMENT PROCEDURES ON THE**
32 **PROVIDER'S WEBSITE AND IN ANY WRITTEN OR COMMERCIAL PROMOTIONAL OR**
33 **ADVERTISING MATERIALS.**

1 **(2) ANY PROMOTION OR ADVERTISING REQUIRED UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE PROMINENT DISPLAY OF**
3 **THE PROVIDER'S PROGRAM.**

4 **14-5003.**

5 **THE OFFICE MAY EXEMPT A PROVIDER FROM THE REQUIREMENTS OF §**
6 **14-5002 OF THIS SUBTITLE IF:**

7 **(1) THE PROVIDER PROVIDES BROADBAND SERVICE TO FEWER THAN**
8 **20,000 HOUSEHOLDS; AND**

9 **(2) THE OFFICE DETERMINES THAT COMPLIANCE WOULD RESULT IN**
10 **AN UNREASONABLE OR UNSUSTAINABLE FINANCIAL IMPACT ON THE PROVIDER.**

11 **14-5004.**

12 **(A) ON OR BEFORE NOVEMBER 15, 2026, AND EACH NOVEMBER 15**
13 **THEREAFTER, A PROVIDER IN THE STATE SHALL FILE WITH THE OFFICE A**
14 **COMPLIANCE REPORT INCLUDING:**

15 **(1) THE AVAILABILITY OF A LOW-INCOME CONSUMER PROGRAM;**

16 **(2) THE NUMBER OF CONSUMERS ENROLLED IN THE PROGRAM;**

17 **(3) THE PROCEDURES USED TO VERIFY THE ELIGIBILITY OF**
18 **CUSTOMERS APPLYING FOR THE PROGRAM;**

19 **(4) THE ADVERTISING AND MARKETING EFFORTS UNDERTAKEN TO**
20 **ADVERTISE AND PROMOTE THE AVAILABILITY OF THE PROGRAM, INCLUDING**
21 **SAMPLES OF ADVERTISING AND MARKETING MATERIALS;**

22 **(5) ALL BROADBAND SERVICE PLANS OFFERED BY THE PROVIDER,**
23 **INCLUDING PRICING AND BROADBAND SPEEDS; AND**

24 **(6) ANY OTHER INFORMATION THE OFFICE CONSIDERS NECESSARY**
25 **OR APPROPRIATE.**

26 **(B) ON OR BEFORE DECEMBER 1, 2028, AND AT LEAST EVERY 5 YEARS**
27 **THEREAFTER, THE OFFICE SHALL:**

1 **(1) DETERMINE WHETHER THE MINIMUM BROADBAND DOWNLOAD**
2 **AND UPLOAD SPEEDS REQUIRED IN § 14-5002(B)(1) OF THIS SUBTITLE SHOULD BE**
3 **INCREASED TO:**

4 **(I) THE FEDERAL COMMUNICATIONS COMMISSION'S**
5 **BENCHMARK FOR HIGH-SPEED FIXED BROADBAND DOWNLOAD AND UPLOAD**
6 **SPEEDS; OR**

7 **(II) COMMONLY AVAILABLE MOBILE BROADBAND DOWNLOAD**
8 **AND UPLOAD SPEEDS IN THE STATE; AND**

9 **(2) (I) EVALUATE THE ELIGIBILITY REQUIREMENTS FOR A**
10 **LOW-INCOME CONSUMER; AND**

11 **(II) INCLUDE IN THE REPORT REQUIRED UNDER § 6.5-104 OF**
12 **THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE ANY RECOMMENDATIONS**
13 **FOR CHANGES TO THE ELIGIBILITY REQUIREMENTS.**

14 **14-5005.**

15 **A VIOLATION OF THIS SUBTITLE IS AN UNFAIR, ABUSIVE, OR DECEPTIVE**
16 **TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE AND IS**
17 **SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE**
18 **13 OF THIS ARTICLE.**

19 **Article - Housing and Community Development**

20 **6.5-101.**

21 (a) In this title the following words have the meanings indicated.

22 (b) "Director" means the Director of the Office of Statewide Broadband.

23 (c) "Office" means the Office of Statewide Broadband.

24 **6.5-104.**

25 (a) The Office shall:

26 (1) develop definitions and standards for broadband Internet that:

27 (i) address current and future requirements and uses by
28 communities, businesses, schools, health care providers, and other stakeholders;

1 (ii) reflect the need for a forward-looking, statewide digital
2 communications infrastructure; [and]

3 (iii) **ARE CONSISTENT WITH TITLE 14, SUBTITLE 50 OF THE**
4 **COMMERCIAL LAW ARTICLE; AND**

5 (IV) are not at odds with definitions and standards adopted by the
6 Federal Communications Commission;

7 (2) (i) collect promotional and nonpromotional pricing data directly
8 from broadband Internet providers, **INCLUDING DATA REQUIRED UNDER § 14-5004(A)**
9 **OF THE COMMERCIAL LAW ARTICLE; and**

10 (ii) assess the actual upload and download speeds experienced by
11 consumers;

12 (4) create a website that houses a publicly accessible map that allows users
13 to overlay GIS heat mapping comments, based on and incorporating data and information
14 from the Federal Communications Commission, that shows, in addition to any information
15 provided by the Federal Communications Commission:

16 (i) which residences do and do not have access to broadband
17 Internet;

18 (ii) broadband Internet service prices and plans available in
19 different areas, **INCLUDING REDUCED RATE BROADBAND PLANS FOR LOW-INCOME**
20 **CONSUMERS; and**

21 (iii) other available State geographic and demographic data;

22 (5) collect, analyze, and publicly share:

23 (i) geographic and demographic data regarding households that rely
24 on mobile broadband for Internet service, based on the understanding that mobile
25 broadband is not a substitute for in-home fixed Internet services;

26 (ii) data regarding the adoption and affordability of reliable
27 broadband Internet in the State, including the average cost per average speed by county;
28 [and]

29 (iii) data regarding investments in expanding Internet
30 infrastructure, adoption, and speed increases; **AND**

31 (IV) **AVAILABLE BROADBAND PRODUCTS INCLUDING RETAIL**
32 **RATE PLANS AND LOW-INCOME CONSUMER PLANS;**

1 (e) (1) On or before December 1, 2021, and each year thereafter, the Office
2 shall report to the Governor and, in accordance with § 2–1257 of the State Government
3 Article, the General Assembly on:

4 (i) the progress of the State’s efforts to:

5 1. develop and implement the plan required under
6 subsection (c) of this section;

7 2. increase access and connection to broadband Internet
8 services throughout the State with specific reporting on improvements to infrastructure,
9 adoption, and speeds;

10 3. improve digital literacy among residents of the State; and

11 4. increase speeds to meet or exceed the Federal
12 Communications Commission standard for upload and download speeds;

13 (ii) the existing gaps in connectivity and the State’s progress toward
14 closing those gaps;

15 (iii) the impact that gaps in Internet service have on the workforce
16 and State and local economies;

17 (iv) information from local education agencies on the impact of
18 Internet service quality on student achievement and access to 21st century opportunities;

19 (v) demographic data on locations with gaps in services; and

20 (vi) the allocation of money from, and programs supported by, the
21 Digital Inclusion Fund, the Digital Connectivity Fund, and the Rural Broadband
22 Assistance Fund in the preceding fiscal year.

23 (2) The report required under paragraph (1) of this subsection shall:

24 (I) **MEET THE REQUIREMENTS OF § 14–5004(B)(2)(II) OF THE**
25 **COMMERCIAL LAW ARTICLE; AND**

26 (II) be published on the website established under subsection (a)(4)
27 of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2025.