

HOUSE BILL 382

C9, I4, P1

6lr0922
CF 6lr0923

By: **Delegates Fair, Allen, Embry, Feldmark, Forbes, Hill, D. Jones, Kaufman, McCaskill, Pasteur, Patterson, Pruski, Qi, Rosenberg, Ruff, Ruth, Schindler, Solomon, Stein, Stinnett, White Holland, Wims, Woods, Wu, Young, and Ziegler**

Introduced and read first time: January 21, 2026

Assigned to: Economic Matters

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 certain broadband providers in the State to establish a
5 program to provide certain broadband services to eligible low-income consumers on
6 or before a certain date; authorizing the Office of Statewide Broadband in the
7 Department of Housing and Community Development to exempt certain providers
8 from the requirement to establish a program; altering the duties of the Office;
9 establishing a Broadband Affordability Advisory Board; and generally relating to
10 broadband access for low-income consumers.

11 BY repealing and reenacting, with amendments,
12 Article – Commercial Law
13 Section 13–301(14)(xlvii)
14 Annotated Code of Maryland
15 (2025 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article – Commercial Law
18 Section 13–301(14)(xlviii)
19 Annotated Code of Maryland
20 (2025 Replacement Volume)

21 BY adding to
22 Article – Commercial Law
23 Section 13–301(14)(xlix); and 14–5101 through 14–5106 to be under the new subtitle
24 “Subtitle 51. Maryland Broadband Opportunity and Fairness”
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2025 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 6.5–101
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 6.5–104(a)(1), (2), (4), and (5) and (e)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

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

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xlvii) Title 14, Subtitle 50 of this article; [or]

(xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

(XLIX) TITLE 14, SUBTITLE 51 OF THIS ARTICLE; OR

SUBTITLE 51. MARYLAND BROADBAND OPPORTUNITY AND FAIRNESS.

14–5101.

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

**(B) (1) “BROADBAND SERVICE” MEANS A MASS–MARKET RETAIL SERVICE
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 COMMUNICATIONS
SERVICES PROVIDED BY A WIRELINE, FIXED WIRELESS, MOBILE WIRELESS
BROADBAND, OR SATELLITE SERVICE PROVIDER.**

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

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

(1) MEETS THE ELIGIBILITY CRITERIA FOR:

(I) FREE AND REDUCED PRICE MEAL PROGRAMS ESTABLISHED BY THE U.S. DEPARTMENT OF AGRICULTURE;

(II) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS; OR

(III) MEDICAID BENEFITS;

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

(I) THE MARYLAND EARNED INCOME TAX CREDIT; OR

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

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

(4) HAS AN ANNUAL HOUSEHOLD INCOME AT OR BELOW 350% OF THE FEDERAL POVERTY GUIDELINES.

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

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

(F) “PROVIDER” MEANS A PERSON THAT PROVIDES BROADBAND SERVICE TO 10,000 OR MORE CUSTOMERS.

14-5102.

(A) ON OR BEFORE DECEMBER 1, 2026, EACH PROVIDER IN THE STATE SHALL ESTABLISH A LOW-INCOME CONSUMER PROGRAM.

(B) (1) (I) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PROGRAM SHALL OFFER AT LEAST ONE LOW-COST BROADBAND SERVICE OPTION TO ELIGIBLE LOW-INCOME CONSUMERS INCLUDING:

1. A MINIMUM BROADBAND SPEED OF:

A. 100 MEGABITS PER SECOND DOWNLOAD SPEED AND 20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF TWO OR LESS; OR

B. 200 MEGABITS PER SECOND DOWNLOAD SPEED AND 20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF THREE OR MORE;

2. AT LEAST 1.2 TERABYTES OF DATA STORAGE; AND

3. A LATENCY THAT IS SUFFICIENTLY LOW TO ALLOW REASONABLY FORESEEABLE, REAL-TIME, INTERACTIVE APPLICATIONS.

(II) NETWORK OUTAGES OF BROADBAND SERVICES OFFERED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED, ON AVERAGE, 48 HOURS WITHIN ANY YEAR.

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

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

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

2. NOT MORE THAN 2% PER YEAR.

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

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

(D) A PROVIDER SHALL ALLOW CUSTOMERS ENROLLED IN THE PROVIDER'S PROGRAM TO PURCHASE STAND-ALONE BROADBAND SERVICE, OR BROADBAND SERVICE BUNDLED WITH CABLE TELEVISION OR PHONE SERVICE.

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

(F) (1) A PROVIDER SHALL MAKE AVAILABLE TO THE PUBLIC IN A PROMINENT MANNER ON ITS WEBSITE ANYWHERE THAT A LIST OF AVAILABLE PLANS IS POSTED THE AVAILABILITY OF BROADBAND SERVICE FOR LOW-INCOME CONSUMERS AND ENROLLMENT PROCEDURES.

(2) A PROVIDER SHALL MAKE ALL COMMERCIALLY REASONABLE EFFORTS TO PROMOTE AND ADVERTISE THE AVAILABILITY OF BROADBAND SERVICE FOR LOW-INCOME CONSUMERS AND ENROLLMENT PROCEDURES ON THE PROVIDER'S WEBSITE AND IN ANY WRITTEN OR COMMERCIAL PROMOTIONAL OR ADVERTISING MATERIALS.

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

(G) FOR ANY PROGRAM THAT PROVIDES A LOW-COST BROADBAND SERVICE TO A CUSTOMER UNDER THIS SECTION THAT INVOLVES LAYING FIBER-OPTIC CABLES OR CONDUIT UNDERGROUND OR ALONG A ROADWAY, THE PROVIDER SHALL INCLUDE INTERSPERSED CONDUIT ACCESS POINTS AT REGULAR AND SHORT INTERVALS.

(H) IF A PROVIDER CAN NO LONGER PROVIDE A LOW-COST BROADBAND SERVICE OPTION TO A CUSTOMER UNDER THIS SECTION, THE PROVIDER SHALL SELL THE NETWORK CAPACITY AT A REASONABLE, WHOLESALE RATE ON A NONDISCRIMINATORY BASIS TO OTHER PROVIDERS.

14-5103.

THE OFFICE MAY EXEMPT A PROVIDER FROM THE REQUIREMENTS OF § 14-5102 OF THIS SUBTITLE IF:

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

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

14-5104.

(A) ON OR BEFORE NOVEMBER 15, 2027, AND EACH NOVEMBER 15 THEREAFTER, A PROVIDER IN THE STATE SHALL FILE WITH THE OFFICE A COMPLIANCE REPORT INCLUDING:

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

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

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

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

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

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

(B) ON OR BEFORE DECEMBER 1, 2029, AND AT LEAST EVERY 5 YEARS THEREAFTER, THE OFFICE SHALL:

(1) DETERMINE WHETHER THE MINIMUM BROADBAND DOWNLOAD AND UPLOAD SPEEDS AND DATA STORAGE REQUIRED IN § 14-5102(B)(1) OF THIS SUBTITLE SHOULD BE INCREASED TO:

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

(II) COMMONLY AVAILABLE MOBILE BROADBAND DOWNLOAD AND UPLOAD SPEEDS, AND DATA STORAGE LIMITS IN THE STATE; AND

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

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

14–5105.

(A) (1) THERE IS A BROADBAND AFFORDABILITY ADVISORY BOARD.

(2) THE PURPOSE OF THE ADVISORY BOARD IS, SUBJECT TO SUBSECTION (D) OF THIS SECTION, TO ESTABLISH A DEFINITION FOR A LOW-COST BROADBAND SERVICE OPTION AS REQUIRED BY 47 U.S.C. § 1702.

(B) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE DIRECTOR OF THE OFFICE, OR THE DIRECTOR'S DESIGNEE;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE, APPOINTED BY THE GOVERNOR;

(5) ONE ATTORNEY FROM THE OFFICE OF THE ATTORNEY GENERAL WITH EXPERIENCE IN CONSUMER PROTECTION, APPOINTED BY THE ATTORNEY GENERAL;

(6) A REPRESENTATIVE FROM EACH PROVIDER IN THE STATE; AND

(7) REPRESENTATIVES FROM ANY STAKEHOLDER GROUPS APPROVED BY THE MEMBERS FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT.

(C) THE ADVISORY BOARD SHALL SUBMIT THE DEFINITION OF LOW-COST BROADBAND SERVICE OPTION TO THE OFFICE FOR SUBMITTAL TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FOR APPROVAL UNDER 47 U.S.C. § 1702.

(D) THE DEFINITION OF LOW-COST BROADBAND SERVICE OPTION SHALL:

(1) MEET THE REQUIREMENTS OF THIS SUBTITLE;

(2) MEET ANY REQUIREMENTS SET BY FEDERAL LAW; AND

(3) MEET ANY REQUIREMENTS SET BY THE NATIONAL
TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.

14–5106.

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

Article – Housing and Community Development

6.5–101.

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

(b) “Director” means the Director of the Office of Statewide Broadband.

(c) “Office” means the Office of Statewide Broadband.

6.5–104.

(a) The Office shall:

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

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

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

(iii) ARE CONSISTENT WITH TITLE 14, SUBTITLE 51 OF THE
COMMERCIAL LAW ARTICLE; AND

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

(2) (i) collect promotional and nonpromotional pricing data directly
from broadband Internet providers, INCLUDING DATA REQUIRED UNDER § 14–5104(A)
OF THE COMMERCIAL LAW ARTICLE; and

1 (ii) assess the actual upload and download speeds experienced by
2 consumers;

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

7 (i) which residences do and do not have access to broadband
8 Internet;

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

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

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

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

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

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

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

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

27 (i) the progress of the State's efforts to:

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

30 2. increase access and connection to broadband Internet
31 services throughout the State with specific reporting on improvements to infrastructure,
32 adoption, and speeds;

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

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

4 (ii) the existing gaps in connectivity and the State's progress toward
5 closing those gaps;

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

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

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

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

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

15 (I) MEET THE REQUIREMENTS OF § 14-5104(B)(2)(II) OF THE
16 COMMERCIAL LAW ARTICLE; AND

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2026.