

# HOUSE BILL 382

C9, I4, P1

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CF 6lr0923

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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

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2025 Replacement Volume)

2 BY repealing and reenacting, without amendments,  
3 Article – Housing and Community Development  
4 Section 6.5–101  
5 Annotated Code of Maryland  
6 (2019 Replacement Volume and 2025 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article – Housing and Community Development  
9 Section 6.5–104(a)(1), (2), (4), and (5) and (e)  
10 Annotated Code of Maryland  
11 (2019 Replacement Volume and 2025 Supplement)

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

14 **Article – Commercial Law**

15 13–301.

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

17 (14) Violation of a provision of:

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

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

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

21 **SUBTITLE 51. MARYLAND BROADBAND OPPORTUNITY AND FAIRNESS.**

22 **14–5101.**

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

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

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

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

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

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

6                   **(II) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**  
7   **BENEFITS; OR**

8                   **(III) MEDICAID BENEFITS;**

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

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

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

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

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

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

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

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

23   **14-5102.**

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

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

4           **1. A MINIMUM BROADBAND SPEED OF:**

5           **A. 100 MEGABITS PER SECOND DOWNLOAD SPEED AND**  
6 **20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF TWO OR LESS; OR**

7           **B. 200 MEGABITS PER SECOND DOWNLOAD SPEED AND**  
8 **20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF THREE OR MORE;**

9           **2. AT LEAST 1.2 TERABYTES OF DATA STORAGE; AND**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29           14-5103.

30           THE OFFICE MAY EXEMPT A PROVIDER FROM THE REQUIREMENTS OF §  
31 14-5102 OF THIS SUBTITLE IF:

32           (1) THE PROVIDER PROVIDES BROADBAND SERVICE TO FEWER THAN  
33 20,000 HOUSEHOLDS; AND

3 14-5104.

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

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

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

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

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

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

4 14-5105.

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

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

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

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

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

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

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

29 (1) MEET THE REQUIREMENTS OF THIS SUBTITLE:

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

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

4 14-5106.

5 A VIOLATION OF THIS SUBTITLE IS AN UNFAIR, ABUSIVE, OR DECEPTIVE  
6 TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE AND IS  
7 SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE  
8 13 OF THIS ARTICLE.

## Article – Housing and Community Development

10 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.

14 6.5-104.

(a) The Office shall:

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

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

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

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

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

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

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

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;

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

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;

(iv) information from local education agencies on the impact of 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:

(I) MEET THE REQUIREMENTS OF § 14-5104(B)(2)(II) OF THE  
W ARTICLE; AND

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