

HOUSE BILL 382

C9, I4, P1

6lr0922
CF SB 571

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2026

CHAPTER _____

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; requiring certain broadband providers~~
9 ~~to report certain information to the Office of Statewide Broadband annually; altering~~
10 ~~the duties of the Office; establishing a Broadband Affordability Advisory Board; and~~
11 ~~generally relating to broadband access for low-income consumers.~~

12 ~~BY repealing and reenacting, with amendments,~~
13 ~~Article — Commercial Law~~
14 ~~Section 13-301(14)(xlvii)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2025 Replacement Volume)~~

17 ~~BY repealing and reenacting, without amendments,~~
18 ~~Article — Commercial Law~~
19 ~~Section 13-301(14)(xlviii)~~
20 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2025 Replacement Volume)~~

BY adding to

Article – Commercial Law

Section ~~13-301(14)(xlix)~~, and 14-5101 through ~~14-5106~~ and 14-5102 to be under the
new subtitle “Subtitle 51. Maryland Broadband Opportunity and Fairness”

Annotated Code of Maryland

(2025 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 6.5-101 and 6.5-104(a)(1)

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)~~ 6.5-104(a)(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(e)(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.

1 (B) (1) "BROADBAND SERVICE" MEANS A MASS-MARKET RETAIL SERVICE
2 THAT PROVIDES THE CAPABILITY TO TRANSMIT DATA TO AND RECEIVE DATA FROM
3 ALL OR SUBSTANTIALLY ALL INTERNET ENDPOINTS, INCLUDING ANY CAPABILITIES
4 THAT ARE INCIDENTAL TO AND ENABLE THE OPERATION OF COMMUNICATIONS
5 SERVICES PROVIDED BY A WIRELINE, FIXED WIRELESS, MOBILE WIRELESS
6 BROADBAND, OR SATELLITE SERVICE PROVIDER.

7 (2) "BROADBAND SERVICE" DOES NOT INCLUDE DIAL-UP SERVICE.

8 ~~(C) "LOW INCOME CONSUMER" MEANS AN INDIVIDUAL WHOSE HOUSEHOLD
9 OR AT LEAST ONE MEMBER OF THE HOUSEHOLD:~~

10 ~~(1) MEETS THE ELIGIBILITY CRITERIA FOR:~~

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

13 ~~(II) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
14 BENEFITS; OR~~

15 ~~(III) MEDICAID BENEFITS;~~

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

18 ~~(I) THE MARYLAND EARNED INCOME TAX CREDIT; OR~~

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

21 ~~(3) RECEIVES A BENEFIT THROUGH A LOW INCOME ENERGY
22 ASSISTANCE PROGRAM; OR~~

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

25 ~~(D)~~ (C) "OFFICE" MEANS THE OFFICE OF STATEWIDE BROADBAND IN
26 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

27 (E) "PROGRAM" MEANS A LOW INCOME CONSUMER PROGRAM.

28 ~~(F)~~ (D) "PROVIDER" MEANS A PERSON THAT PROVIDES BROADBAND
29 SERVICE TO 10,000 OR MORE CUSTOMERS.

1 ~~14-5102.~~

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

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

7 ~~1. A MINIMUM BROADBAND SPEED OF:~~

8 ~~A. 100 MEGABITS PER SECOND DOWNLOAD SPEED AND~~
9 ~~20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF TWO OR LESS; OR~~

10 ~~B. 200 MEGABITS PER SECOND DOWNLOAD SPEED AND~~
11 ~~20 MEGABITS PER SECOND UPLOAD SPEED FOR A HOUSEHOLD OF THREE OR MORE;~~

12 ~~2. AT LEAST 1.2 TERABYTES OF DATA STORAGE; AND~~

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

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

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

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

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

26 ~~2. NOT MORE THAN 2% PER YEAR.~~

27 ~~(H) A PROVIDER SHALL PROVIDE AT LEAST 30 DAYS' NOTICE OF~~
28 ~~A PRICE INCREASE AUTHORIZED UNDER THIS PARAGRAPH TO CONSUMERS~~

~~1 CURRENTLY ENROLLED IN THE PROVIDER'S PROGRAM AND THE OFFICE BEFORE
2 INCREASING THE PRICE.~~

~~3 (C) A PROVIDER MAY NOT REQUIRE ENROLLMENT IN AN AUTOMATIC
4 PAYMENT PLAN AS A CRITERION FOR ELIGIBILITY IN A PROGRAM.~~

~~5 (D) A PROVIDER SHALL ALLOW CUSTOMERS ENROLLED IN THE PROVIDER'S
6 PROGRAM TO PURCHASE STAND-ALONE BROADBAND SERVICE, OR BROADBAND
7 SERVICE BUNDLED WITH CABLE TELEVISION OR PHONE SERVICE.~~

~~8 (E) ANY CONTRACT OR AGREEMENT FOR BROADBAND SERVICE OFFERED AS
9 PART OF A PROGRAM SHALL INCLUDE THE SAME TERMS AND CONDITIONS, OTHER
10 THAN PRICE AND BROADBAND SPEED, AS REGULARLY PRICED PLANS FOR SIMILAR
11 SERVICES OFFERED BY THE PROVIDER.~~

~~12 (F) (1) A PROVIDER SHALL MAKE AVAILABLE TO THE PUBLIC IN A
13 PROMINENT MANNER ON ITS WEBSITE ANYWHERE THAT A LIST OF AVAILABLE PLANS
14 IS POSTED THE AVAILABILITY OF BROADBAND SERVICE FOR LOW-INCOME
15 CONSUMERS AND ENROLLMENT PROCEDURES.~~

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

~~21 (3) ANY PROMOTION OR ADVERTISING REQUIRED UNDER
22 PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE THE PROMINENT DISPLAY OF
23 THE PROVIDER'S PROGRAM.~~

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

~~29 (H) IF A PROVIDER CAN NO LONGER PROVIDE A LOW-COST BROADBAND
30 SERVICE OPTION TO A CUSTOMER UNDER THIS SECTION, THE PROVIDER SHALL SELL
31 THE NETWORK CAPACITY AT A REASONABLE, WHOLESALE RATE ON A
32 NONDISCRIMINATORY BASIS TO OTHER PROVIDERS.~~

~~33 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. 14-5102.~~

(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 ELIGIBILITY CRITERIA FOR CONSUMERS TO QUALIFY FOR THE PROGRAM;

~~(3)~~ (4) THE PROCEDURES USED TO VERIFY THE ELIGIBILITY OF CUSTOMERS APPLYING FOR THE PROGRAM;

~~(4)~~ (5) THE ADVERTISING AND MARKETING EFFORTS UNDERTAKEN TO ADVERTISE AND PROMOTE THE AVAILABILITY OF THE PROGRAM, INCLUDING SAMPLES OF ADVERTISING AND MARKETING MATERIALS;

~~(5)~~ (6) ALL BROADBAND SERVICE PLANS OFFERED BY THE PROVIDER, INCLUDING PRICING AND BROADBAND SPEEDS; AND

~~(6)~~ (7) ANY OTHER INFORMATION THE OFFICE CONSIDERS NECESSARY OR APPROPRIATE.

(B) ON OR BEFORE DECEMBER 1, 2029, AND AT LEAST EVERY 5 YEARS 2027, AND EACH DECEMBER 1 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:~~

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

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

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

8 (1) DETERMINE WHETHER THE PROGRAMS REPORTED UNDER
9 SUBSECTION (A) OF THIS SECTION ARE SUFFICIENT TO MEET THE NEEDS OF
10 LOW-INCOME CONSUMERS IN THE STATE; AND

11 ~~(H) (2)~~ INCLUDE IN THE REPORT REQUIRED UNDER § 6.5-104
12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE THE INFORMATION
13 REPORTED UNDER SUBSECTION (A) OF THIS SECTION AND ANY RECOMMENDATIONS
14 FOR CHANGES TO THE ELIGIBILITY REQUIREMENTS. RELATED TO LOW-INCOME
15 CONSUMER PROGRAMS IN THE STATE.

16 ~~14-5105.~~

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

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

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

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

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

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

27 ~~(4) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE, APPOINTED~~
28 ~~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 (1) develop definitions and standards for broadband Internet that:

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

4 (ii) reflect the need for a forward-looking, statewide digital
5 communications infrastructure; ~~and~~

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

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

10 (2) (i) collect promotional and nonpromotional pricing data directly
11 from broadband Internet providers, ~~INCLUDING DATA REQUIRED UNDER § 14-5104(A)~~
12 ~~§ 14-5102(A) OF THE COMMERCIAL LAW ARTICLE~~; and

13 (ii) assess the actual upload and download speeds experienced by
14 consumers;

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

19 (i) which residences do and do not have access to broadband
20 Internet;

21 (ii) broadband Internet service prices and plans available in
22 different areas, ~~INCLUDING REDUCED RATE BROADBAND PLANS FOR LOW-INCOME~~
23 ~~CONSUMERS~~; and

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

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

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

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

1 (iii) data regarding investments in expanding Internet
2 infrastructure, adoption, and speed increases; AND

3 (IV) AVAILABLE BROADBAND PRODUCTS INCLUDING RETAIL
4 RATE PLANS AND LOW-INCOME CONSUMER PLANS;

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

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

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

11 2. increase access and connection to broadband Internet
12 services throughout the State with specific reporting on improvements to infrastructure,
13 adoption, and speeds;

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

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

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

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

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

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

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

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

28 (I) MEET THE REQUIREMENTS OF ~~§ 14-5104(B)(2)(H)~~ §
29 14-5102(B)(2) OF THE COMMERCIAL LAW ARTICLE; AND

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.