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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- COMMUNITY ANTENNA
TELEVISION SYSTEMS AND INTERNET SERVICE PROVIDERS

Introduced By: Representatives Solomon, Kislak, and Morales

Date Introduced: February 08, 2023

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 39-19 of the General Laws entitled "Community Antenna
2 Television Systems" is hereby amended to read as follows:

3 ~~CHAPTER 39-19~~

4 ~~Community Antenna Television Systems~~

5 CHAPTER 39-19

6 COMMUNITY ANTENNA TELEVISION SYSTEMS AND INTERNET SERVICE

7 PROVIDERS

8 SECTION 2. Chapter 39-19 of the General Laws entitled "Community Antenna Television
9 Systems " is hereby amended by adding thereto the following sections:

10 **39-19-10.2. Definitions.**

11 As used in this chapter:

12 (1) "Broadband Internet access service" means a mass-market retail service by wire or radio
13 that provides the capability to transmit data to and receive data from all or substantially all Internet
14 endpoints, including any capabilities that are incidental to and enable the operation of the
15 communications service, but excluding dial-up Internet service. This term also encompasses any
16 service that the FCC finds to be providing a functional equivalent of broadband internet access
17 service, or any service or product that is used to evade the protections set forth in this chapter.

18 (2) "Edge provider" means any individual or entity that provides any content, application

1 or service over the Internet, and any individual or entity that provides a device used for accessing
2 any content application or service over the Internet.

3 (3) "Future contracts" means contracts awarded or renewed by any state agency on or after
4 July 1, 2023.

5 (4) "Paid prioritization" means the management of a broadband Internet access service
6 provider's network to directly or indirectly favor some traffic over other traffic, including through
7 use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of
8 preferential traffic management, either:

9 (i) In exchange for consideration (monetary or otherwise) from a third party; or

10 (ii) To benefit an affiliated entity.

11 (iii) Paid prioritization does not include the provision of tiered Internet access service or
12 offerings to a retail end user.

13 (5) "State agency" means any department in the executive branch of state government and
14 any agency, authority, board, bureau, commission, division, institution, office, or other
15 instrumentality within or created by any such department, and any independent state authority,
16 commission, instrumentality, or agency over which the governor exercises executive authority.

17 **39-19-10.3 Internet service neutrality.**

18 (a) For purposes of this section, adherence to "net neutrality principles" means that a
19 service provider shall not, with respect to any consumer in the state (including the state itself):

20 (1) Block lawful content, applications, services, or nonharmful devices, subject to
21 reasonable network management that is disclosed to the consumer;

22 (2) Throttle, impair, or degrade lawful Internet traffic based on Internet content,
23 application, or service, or use of a nonharmful device, subject to reasonable network management
24 that is disclosed to the consumer;

25 (3) Engage in paid prioritization unless the state waives the ban as to particular purchased
26 or funded Internet access services if the state determines that the practice is in the public interest,
27 promotes public safety, or is otherwise not inconsistent with the purpose of this chapter; or

28 (4) Unreasonably interfere with or unreasonably disadvantage either:

29 (i) A customer's ability to select, access, and use broadband Internet access service or the
30 lawful Internet content, applications, services, or devices of their choice; or

31 (ii) An edge provider's ability to make lawful content, applications, services, or devices
32 available to a customer, subject to reasonable network management that is disclosed to its
33 customers.

34 (b) No service provider subject to the provisions of this chapter shall engage in any act that

1 violates net neutrality principles.

2 (c) Any service provider violating of the provisions of this chapter shall be subject to the
3 penalty provisions of chapter 13.1 of title 6 as a deceptive trade practice.

4 **39-19-10.4. Internet service neutrality - State purchases.**

5 The division of purchases within the department of administration (DOA), and all other
6 contracting units or officials of any state agency, shall require that all future contracts for fixed or
7 mobile broadband Internet access services be awarded only to service providers that adhere to "net
8 neutrality principles" established in § 39-19-10.3.

9 **39-19-10.5. Implementation.**

10 (a) As soon as practicable, the division of purchases, with input from the public utilities
11 commission, the division of public utilities and carriers, the emergency management administration
12 (EMA), and the division of information technology, shall amend the state's procurement rules and
13 regulations as necessary and appropriate to comply with this directive, and issue such policies and
14 other guidance, and take such other steps as are determined to be necessary and appropriate, to
15 ensure that §§ 39-19-10.3 and 39-19-10.4 are appropriately implemented and enforced.

16 (b) Waivers to these procedures may be granted by the director of the department of
17 administration only upon receipt of a written justification from a state agency and a finding by the
18 director that a waiver would serve a legitimate and significant interest of the state. The public
19 utilities commission shall resolve any dispute over the definition of terminology used in this
20 chapter.

21 (c) Each state agency that procures Internet, data and telecommunications services shall
22 cooperate with the division of purchases and the public utilities commission in implementing this
23 chapter.

24 (d) The public utilities commission, in consultation with the division of information
25 technology, shall evaluate and advise the governor on potential actions to promote net neutrality to
26 protect Rhode Islanders' access to a free and open Internet.

27 (e) Nothing in this chapter shall:

28 (1) Supersede any obligation or authorization a provider of fixed or mobile broadband
29 Internet access service may have to address the needs of emergency communications or law
30 enforcement, public safety, or national security authorities, consistent with or as permitted by
31 applicable law, or limit the provider's ability to do so;

32 (2) Prohibit reasonable efforts by a provider of broadband Internet access service to address
33 copyright infringement or other unlawful activity; or

34 (3) Be construed to supersede any federal, state or local law.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- COMMUNITY ANTENNA
TELEVISION SYSTEMS AND INTERNET SERVICE PROVIDERS

1 This act would require Internet service providers to follow net neutrality requirements
2 when providing Internet service to any consumer in this state or to the state and require anyone
3 seeking a state contract for Internet service to follow principles of net neutrality. Any service
4 provider violating net neutrality requirements would be subject to the penalty provisions for
5 deceptive trade practices listed in chapter 13.1 of title 6.

6 This act would take effect upon passage.

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