

[First Reprint]

**ASSEMBLY, No. 2132**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTTI**

**District 31 (Hudson)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

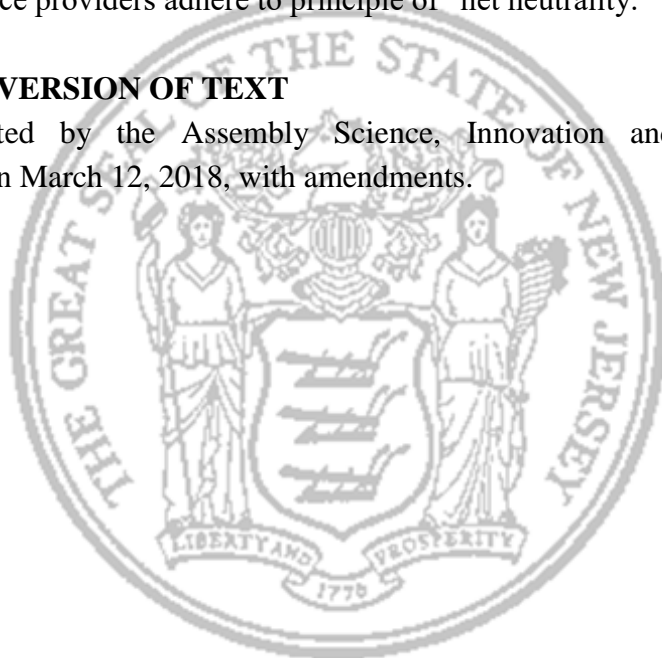
**Assemblymen Calabrese, Mukherji, Assemblywoman Swain,  
Assemblymen Tully and Conaway**

**SYNOPSIS**

Prohibits awarding of public contracts to Internet service providers, unless Internet service providers adhere to principle of “net neutrality.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Science, Innovation and Technology Committee on March 12, 2018, with amendments.



**(Sponsorship Updated As Of: 6/21/2019)**

1 AN ACT concerning eligibility for public contacts and  
2 supplementing Title 18A of the New Jersey Statutes, P.L.1971,  
3 c.198, and Title 52 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. Notwithstanding any law, rule, regulation, or order to the  
9 contrary, a board of education shall reject all bids submitted by an  
10 Internet service provider that:

11 (1) engages in paid prioritization;

12 (2) prevents access to lawful Internet content, applications, or  
13 services or the use of non-harmful Internet-enabled devices by  
14 customers located in this State, subject to reasonable network  
15 management; or

16 (3) impairs or degrades access to lawful Internet content,  
17 applications, or services or the use of non-harmful Internet-enabled  
18 devices by customers located in this State, subject to reasonable  
19 network management.

20 b. As used in this section:

21 “Internet service provider” shall have the same meaning as  
22 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

23 “Paid prioritization” means the management of an Internet  
24 service provider’s network to directly or indirectly favor some  
25 <sup>1</sup>data traffic over other <sup>1</sup>data traffic, including through use of  
26 techniques such as <sup>1</sup>data traffic shaping, prioritization, resource  
27 reservation, or other forms of preferential <sup>1</sup>data traffic  
28 management, either in exchange for consideration from a third party  
29 or to benefit an affiliated entity.

30  
31 2. a. Notwithstanding any law, rule, regulation, or order to the  
32 contrary, a contracting unit shall reject all bids submitted by an  
33 Internet service provider that:

34 (1) engages in paid prioritization;

35 (2) prevents access to lawful Internet content, applications, or  
36 services or the use of non-harmful Internet-enabled devices by  
37 customers located in this State, subject to reasonable network  
38 management; or

39 (3) impairs or degrades access to lawful Internet content,  
40 applications, or services or the use of non-harmful Internet-enabled  
41 devices by customers located in this State, subject to reasonable  
42 network management.

43 b. As used in this section:

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AST committee amendments adopted March 12, 2018.

1 “Internet service provider” shall have the same meaning as  
2 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

3 “Paid prioritization” means the management of an Internet  
4 service provider’s network to directly or indirectly favor some  
5 ‘data’ traffic over other ‘data’ traffic, including through use of  
6 techniques such as ‘data’ traffic shaping, prioritization, resource  
7 reservation, or other forms of preferential ‘data’ traffic  
8 management, either in exchange for consideration from a third party  
9 or to benefit an affiliated entity.

10

11 3. a. Notwithstanding any law, rule, regulation, or order to the  
12 contrary, a State agency shall reject all bids submitted by an  
13 Internet service provider that:

14 (1) engages in paid prioritization;

15 (2) prevents access to lawful Internet content, applications, or  
16 services or the use of non-harmful Internet-enabled devices by  
17 customers located in this State, subject to reasonable network  
18 management; or

19 (3) impairs or degrades access to lawful Internet content,  
20 applications, or services or the use of non-harmful Internet-enabled  
21 devices by customers located in this State, subject to reasonable  
22 network management.

23 b. As used in this section:

24 “Internet service provider” shall have the same meaning as  
25 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

26 “Paid prioritization” means the management of an Internet  
27 service provider’s network to directly or indirectly favor some  
28 ‘data’ traffic over other ‘data’ traffic, including through use of  
29 techniques such as ‘data’ traffic shaping, prioritization, resource  
30 reservation, or other forms of preferential ‘data’ traffic  
31 management, either in exchange for consideration from a third party  
32 or to benefit an affiliated entity.

33

34 4. This act shall take effect immediately.