ASSEMBLY, No. 4219

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:
Assemblyman NICHOLAS CHIARAVALLOTI
District 31 (Hudson)
Assemblyman ANDREW ZWICKER
District 16 (Hunterdon, Mercer, Middlesex and Somerset)
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

Co-Sponsored by:
Assemblyman 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 introduced.

(Sponsorship Updated As Of: 6/8/2020)

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

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

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

(1) engages in paid prioritization;

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

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

b. As used in this section:

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

"Paid prioritization" means the management of an Internet service provider's network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

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

(1) engages in paid prioritization;

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

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

b. As used in this section:

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

"Paid prioritization" means the management of an Internet service provider's network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques

such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

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

(1) engages in paid prioritization;

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

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

b. As used in this section:

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

"Paid prioritization" means the management of an Internet service provider's network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

4. This act shall take effect immediately.

STATEMENT

This bill provides that a public contract may not be awarded to an Internet service provider that: 1) engages in paid prioritization; 2) prevents customers located in this State from accessing all lawful Internet content, applications, and services or using non-harmful Internet-enabled devices; or 3) impairs or degrades Internet access speeds, subject to reasonable network management. As used in this bill, "paid prioritization" is defined as the management of an Internet service provider's network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.