

Senate File 2286 - Introduced

SENATE FILE 2286

BY BOWMAN

A BILL FOR

1 An Act providing for internet neutrality, and making penalties
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 554E.1 Short title.

2 This chapter shall be known and may be cited as the "Iowa
3 *Internet Neutrality Act*".

4 Sec. 2. NEW SECTION. 554E.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Broadband*" means the same as defined in section 8B.1.

8 2. "*Communications service provider*" means the same as
9 defined in section 8B.1.

10 3. "*Content, applications, or services*" means any internet
11 traffic transmitted to or from an end user.

12 4. "*Edge provider*" means a person or entity that provides
13 any content, application, or service over the internet, or a
14 person or entity that provides a device used for accessing any
15 content, application, or service over the internet.

16 5. "*End user*" means a person who uses broadband service.

17 6. "*Internet traffic*" means the flow of data across the
18 internet.

19 7. "*Paid prioritization*" means a business practice that
20 directly or indirectly favors certain internet traffic
21 over other internet traffic, including through the use of
22 techniques such as internet traffic shaping, prioritization,
23 resource reservation, or other forms of preferential internet
24 traffic management, either in exchange for monetary or other
25 consideration from a third party or to benefit an affiliated
26 entity.

27 8. "*Person*" means the same as defined in section 554D.103.

28 9. "*Reasonable network management practice*" means a practice
29 that is primarily used for and tailored to achieving a
30 legitimate technical network management purpose, taking into
31 account the particular network architecture and technology of
32 the broadband service, but does not include other business
33 practices.

34 Sec. 3. NEW SECTION. 554E.3 Public disclosure.

35 A communications service provider shall make available to

1 the public informational materials which accurately explain the
2 communications service provider's reasonable network management
3 practices, performance, and commercial terms of its broadband
4 service, including information about and descriptions of the
5 processes involved relating to such services.

6 Sec. 4. NEW SECTION. 554E.4 Prohibitions.

7 A communications service provider shall not do any of the
8 following:

- 9 1. Block lawful content, applications, services, or
10 nonharmful devices, unless pursuant to a reasonable network
11 management practice.
- 12 2. Impair or degrade lawful internet traffic on the basis
13 of content, applications, services, or the use of nonharmful
14 devices, unless pursuant to a reasonable network management
15 practice.
- 16 3. Engage in paid prioritization.
- 17 4. Interfere with or disadvantage the ability of an end user
18 to select, access, or use broadband service, unless pursuant to
19 a reasonable network management practice.
- 20 5. Interfere with or disadvantage the ability of an edge
21 provider to make lawful content, applications, services, or
22 nonharmful devices available to an end user, unless pursuant to
23 a reasonable network management practice.

24 Sec. 5. NEW SECTION. 554E.5 Scope.

25 This chapter shall not apply to any of the following:

- 26 1. Conduct authorized by a law enforcement agency of the
27 United States, a state, or a political subdivision of a state.
- 28 2. Reasonable efforts by a communications service provider
29 to address copyright infringement or any other unlawful
30 activity.

31 Sec. 6. NEW SECTION. 554E.6 Penalty.

32 A violation of this chapter is an unlawful practice pursuant
33 to section 714.16.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill creates new Code chapter 554E, relating to
3 internet neutrality.

4 The bill requires a communications service provider to make
5 available to the public informational materials accurately
6 explaining the provider's reasonable network management
7 practices, performance, and commercial terms of its broadband
8 service, including information relating to the processes
9 involved for such services. The bill defines "communications
10 service provider" to mean the same as defined in section 8B.1.
11 "Broadband" also means the same as defined in Code section
12 8B.1. "End user" means a person who uses broadband service.

13 The bill prohibits communications service providers from
14 blocking lawful content, applications, services, or nonharmful
15 devices, unless pursuant to a reasonable network management
16 practice. The bill defines "reasonable network management
17 practice" to mean a practice that is primarily used for and
18 tailored to achieving a legitimate technical network management
19 purpose.

20 The bill prohibits communications service providers from
21 impairing or degrading lawful internet traffic on the basis
22 of content, applications, services, or the use of nonharmful
23 devices, unless pursuant to a reasonable network management
24 practice. The bill also prohibits communications service
25 providers from engaging in paid prioritization, as defined
26 in the bill. The bill further prohibits communications
27 service providers from interfering with or disadvantaging the
28 ability of an end user to select, access, or use broadband
29 service, unless pursuant to a reasonable network management
30 practice. The bill additionally prohibits communications
31 service providers from interfering with or disadvantaging the
32 ability of edge providers, as defined in the bill, from making
33 lawful content, applications, services, or nonharmful devices
34 available to an end user, unless pursuant to a reasonable
35 network management practice.

1 The bill does not apply to conduct authorized by any state
2 or federal law enforcement agency or reasonable efforts
3 by a communications service provider to address copyright
4 infringement or any other unlawful activity.

5 A violation of the bill constitutes an unlawful practice
6 under Code section 714.16, which relates to consumer frauds.
7 Pursuant to Code section 714.16, the attorney general may
8 investigate, issue subpoenas, and commence civil proceedings
9 seeking restraining orders or injunctions prohibiting persons
10 from engaging in unlawful practices or seeking termination
11 of the business affairs of a person engaging in unlawful
12 practices. In addition, a civil penalty of up to \$40,000 per
13 violation may be imposed by a court against a person found to
14 have committed an unlawful practice.