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:
Section 1. NEW SECTION. 554E.1 Short title.
This chapter shall be known and may be cited as the "Iowa Internet Neutrality Act".

Sec. 2. NEW SECTION. 554E.2 Definitions.
As used in this chapter, unless the context otherwise requires:
1. "Broadband" means the same as defined in section 8B.1.
2. "Communications service provider" means the same as defined in section 8B.1.
3. "Content, applications, or services" means any internet traffic transmitted to or from an end user.
4. "Edge provider" means a person or entity that provides any content, application, or service over the internet, or a person or entity that provides a device used for accessing any content, application, or service over the internet.
5. "End user" means a person who uses broadband service.
6. "Internet traffic" means the flow of data across the internet.
7. "Paid prioritization" means a business practice that directly or indirectly favors certain internet traffic over other internet traffic, including through the use of techniques such as internet traffic shaping, prioritization, resource reservation, or other forms of preferential internet traffic management, either in exchange for monetary or other consideration from a third party or to benefit an affiliated entity.
8. "Person" means the same as defined in section 554D.103.
9. "Reasonable network management practice" means a practice that is primarily used for and tailored to achieving a legitimate technical network management purpose, taking into account the particular network architecture and technology of the broadband service, but does not include other business practices.

Sec. 3. NEW SECTION. 554E.3 Public disclosure.
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.
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7 Sec. 4. NEW SECTION. 554E.4 Prohibitions.
8 A communications service provider shall not do any of the
9 following:
10 1. Block lawful content, applications, services, or
11 nonharmful devices, unless pursuant to a reasonable network
12 management practice.
13 2. Impair or degrade lawful internet traffic on the basis
14 of content, applications, services, or the use of nonharmful
15 devices, unless pursuant to a reasonable network management
16 practice.
17 3. Engage in paid prioritization.
18 4. Interfere with or disadvantage the ability of an end user
19 to select, access, or use broadband service, unless pursuant to
20 a reasonable network management practice.
21 5. Interfere with or disadvantage the ability of an edge
22 provider to make lawful content, applications, services, or
23 nonharmful devices available to an end user, unless pursuant to
24 a reasonable network management practice.
25
26 Sec. 5. NEW SECTION. 554E.5 Scope.
27 This chapter shall not apply to any of the following:
28 1. Conduct authorized by a law enforcement agency of the
29 United States, a state, or a political subdivision of a state.
30 2. Reasonable efforts by a communications service provider
31 to address copyright infringement or any other unlawful
32 activity.
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34 Sec. 6. NEW SECTION. 554E.6 Penalty.
35 A violation of this chapter is an unlawful practice pursuant
36 to section 714.16.
37
38 EXPLANATION
39 The inclusion of this explanation does not constitute agreement with
This bill creates new Code chapter 554E, relating to internet neutrality. The bill requires a communications service provider to make available to the public informational materials accurately explaining the provider's reasonable network management practices, performance, and commercial terms of its broadband service, including information relating to the processes involved for such services. The bill defines "communications service provider" to mean the same as defined in section 8B.1. "Broadband" also means the same as defined in Code section 8B.1. "End user" means a person who uses broadband service. The bill prohibits communications service providers from blocking lawful content, applications, services, or nonharmful devices, unless pursuant to a reasonable network management practice. The bill defines "reasonable network management practice" to mean a practice that is primarily used for and tailored to achieving a legitimate technical network management purpose.

The bill prohibits communications service providers from impairing or degrading lawful internet traffic on the basis of content, applications, services, or the use of nonharmful devices, unless pursuant to a reasonable network management practice. The bill also prohibits communications service providers from engaging in paid prioritization, as defined in the bill. The bill further prohibits communications service providers from interfering with or disadvantaging the ability of an end user to select, access, or use broadband service, unless pursuant to a reasonable network management practice. The bill additionally prohibits communications service providers from interfering with or disadvantaging the ability of edge providers, as defined in the bill, from making lawful content, applications, services, or nonharmful devices available to an end user, unless pursuant to a reasonable network management practice.
The bill does not apply to conduct authorized by any state or federal law enforcement agency or reasonable efforts by a communications service provider to address copyright infringement or any other unlawful activity. A violation of the bill constitutes an unlawful practice under Code section 714.16, which relates to consumer frauds. Pursuant to Code section 714.16, the attorney general may investigate, issue subpoenas, and commence civil proceedings seeking restraining orders or injunctions prohibiting persons from engaging in unlawful practices or seeking termination of the business affairs of a person engaging in unlawful practices. In addition, a civil penalty of up to $40,000 per violation may be imposed by a court against a person found to have committed an unlawful practice.