SYNOPSIS AS INTRODUCED:

30 ILCS 500/25-90 new

Amends the Illinois Procurement Code. Provides that no State agency may contract with an Internet service provider for the provision of broadband Internet access service unless that provider certifies, under penalty of perjury, that it will not engage in specified activities concerning Internet access and use. Defines terms.
AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding Section 25-90 as follows:

(30 ILCS 500/25-90 new)

Sec. 25-90. Net neutrality in State contracts.

(a) For the purposes of this Section:

"Broadband connections" include wired lines or wireless channels that enable the end user to receive information from or send information to the Internet at information transfer rates exceeding 200 kilobits per second in at least one direction.

"Broadband Internet access service" means service delivered over broadband connections in Illinois that provides the capability to transmit data to and receive data from all, or substantially all, Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. "Broadband Internet access service" also encompasses any service in this State that provides a functional equivalent of that service or that is used to evade the protections provided
under this Section.

"Internet service provider" means a business that provides broadband Internet access service to an individual, corporation, government, or other customer in this State.

"Paid prioritization" means the management of an Internet service provider's network to directly or indirectly favor some traffic over other traffic, including through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either: (1) in exchange for consideration, monetary or otherwise, from a third party; or (2) to benefit an affiliated entity.

(b) No State agency may contract with an Internet service provider for the provision of broadband Internet access service unless that provider certifies, under penalty of perjury, that it will not engage in any of the following activities:

(1) Block lawful content, applications, services, or non-harmful devices for any customer, subject to reasonable network management practices.

(2) Impair or degrade lawful Internet traffic on the basis of Internet content, application, or service for or use of a non-harmful device by any customer, subject to reasonable network management practices.

(3) Engage in paid prioritization, or providing preferential treatment of some Internet traffic to any
(4) Unreasonably interfere with, or unreasonably
disadvantage, either a customer's ability to select,
access, and use broadband Internet access service or lawful
Internet content, applications, services, or devices of
the customer's choice, or an edge provider's ability to
make lawful content, applications, services, or devices
available to a customer.

(5) Engage in deceptive or misleading marketing
practices that misrepresent the treatment of Internet
traffic or content to its customers.

(6) Advertise, offer for sale, or sell broadband
Internet access service to any customer without
prominently disclosing with specificity all aspects of the
service advertised, offered for sale, or sold.