

SB2816



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2816

Introduced 2/13/2018, by Sen. Thomas Cullerton

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.

LRB100 19093 RJF 34350 b

A BILL FOR

1 AN ACT concerning finance.

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

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

6 (30 ILCS 500/25-90 new)

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

8 (a) For the purposes of this Section:

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

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

1 under this Section.

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

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

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

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

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

25 (3) Engage in paid prioritization, or providing
26 preferential treatment of some Internet traffic to any

1 Internet customer.

2 (4) Unreasonably interfere with, or unreasonably
3 disadvantage, either a customer's ability to select,
4 access, and use broadband Internet access service or lawful
5 Internet content, applications, services, or devices of
6 the customer's choice, or an edge provider's ability to
7 make lawful content, applications, services, or devices
8 available to a customer.

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

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