

Subject Internet service provider requirements; adherence to net neutrality

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Overview

This bill prohibits certain activities that were previously prohibited under the net neutrality rules adopted by the Federal Communications Commission, when those activities are done by Internet service providers who provide services to state agencies or political subdivisions. The bill also requires Internet service providers to provide content neutral services and prohibits paid prioritization of traffic when providing Internet service to people in Minnesota. The bill provides for enforcement mechanisms through investigation by the Department of Commerce, consumer protection remedies from the Attorney General, or criminal prosecution.

Summary

Section	Description
1	<p>Contracts for Internet services; adherence to net neutrality.</p> <p>Subd. 1. Definitions. Provides the following definitions:</p> <ul style="list-style-type: none">▪ “Broadband internet service” means any provider of internet services, including wireless telephone companies, but does not include “dial up internet connection.”▪ “Edge provider” means a provider of content or applications over the Internet or device used to access those services or content.▪ “Internet service provider” means any business who provides Internet service to customers in Minnesota.▪ “Paid prioritization” means favoring certain Internet traffic over other traffic for money, or to provide a benefit to an affiliated party. <p>Subd. 2. Purchasing or funding broadband Internet access services; prohibitions. Requires a state agency or political subdivision to include certain terms in contracts for purchase of Internet access, and for the Internet service provider to certify under penalty of perjury they will not engage in the prohibited activities. The requirements include:</p> <ul style="list-style-type: none">▪ Internet provider will not block lawful content, devices, or services subject to reasonable network management.

Section	Description
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- Internet providers will not impair or degrade Internet traffic based on the content the customer is accessing or the application, service, or device the customer is using, subject to reasonable network management.
- Internet providers will not engage in paid prioritization or interfere with a customer's ability to select and access Internet services, content, or devices that consumer chooses, or an edge provider's ability to provide content, services, or devices to customers.
- Internet service providers cannot engage in deceptive or misleading marketing practices that do not accurately provide how the company treats Internet traffic.
- Requiring the government agency to terminate contracts where the Internet service provider has violated any of the above provisions, and requiring the Internet provider to reimburse the state for revenue earned under the contract during the period that the company was violating those provisions.

Subd. 3. Other laws. Nothing in this section supersedes the requirements of emergency communication with law enforcement, public safety, or national security as provided by other applicable law.

Subd. 4. Exceptions. Provides that this section only applies to state agencies and political subdivisions when more than one Internet provider is available in that area.

Subd. 5. Enforcement. Violations under this section are enforced under the penalty of perjury law, Minnesota Statutes, section 609.48, which allows for imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Effective date. This section is effective the day following final enactment.

2 Internet service providers; prohibited actions.

Subd. 1. Definitions. Uses the definitions from section 1 to define broadband Internet access service, edge provider, Internet service provider, and paid prioritization.

Subd. 2. Prohibited actions. Prohibits Internet service providers from:

- blocking or changing the quality of traffic for lawful content, service, and devices;
- engaging in paid prioritization by favoring certain Internet traffic over other traffic for money, or in an effort to provide a benefit to an affiliated party;
- unreasonably interfering or disadvantaging a customer or edge provider's ability to select Internet service, content, applications, services, or devices; or
- engaging in deceptive or misleading marketing practices that do not accurately reflect how they treat Internet content or traffic.

Subd. 3. Certification required. Requires Internet service providers to file a certification under penalty of perjury with the Department of Commerce prior to

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	<p>providing Internet service to Minnesota customers indicating they will not engage in any of the activities listed in subdivision 2.</p> <p>Subd. 4. Other laws. Nothing in this section supersedes the requirements of emergency communication with law enforcement, public safety, or national security as provided by other applicable law.</p> <p>Subd. 5. Enforcement. Provides that violations of the prohibitions in this section can be enforced by the Commissioner of Commerce or the Attorney General's Office using their general enforcement authorities, including the ability to conduct investigations, subpoena information, and file lawsuits in matters of consumer protection. Violations of the prohibitions can also be prosecuted under penalty of perjury in Ramsey County, which allows for imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.</p> <p>Effective date. This section is effective the day following final enactment and applies to contracts and agreements entered into on or after that date.</p>



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