SYNOPSIS
Prohibits awarding of public contracts to Internet service providers, unless Internet service providers adhere to principle of “net neutrality.”

CURRENT VERSION OF TEXT
As reported by the Assembly Science, Innovation and Technology Committee on March 12, 2018, with amendments.

(Sponsorship Updated As Of: 6/21/2019)
AN ACT concerning eligibility for public contacts and

supplementing Title 18A of the New Jersey Statutes, P.L.1971,
c.198, and Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. Notwithstanding any law, rule, regulation, or order to the
contrary, a board of education shall reject all bids submitted by an
Internet service provider that:
(1) engages in paid prioritization;
(2) prevents access to lawful Internet content, applications, or
services or the use of non-harmful Internet-enabled devices by
customers located in this State, subject to reasonable network
management; or
(3) impairs or degrades access to lawful Internet content,
applications, or services or the use of non-harmful Internet-enabled
devices by customers located in this State, subject to reasonable
network management.

b. As used in this section:
“Internet service provider” shall have the same meaning as
provided in section 3 of P.L.2007, c.272 (C.56:8-170).
“Paid prioritization” means the management of an Internet
service provider’s network to directly or indirectly favor some
\textit{data} traffic over other \textit{data} traffic, including through use of
techniques such as \textit{data} traffic shaping, prioritization, resource
reservation, or other forms of preferential \textit{data} traffic
management, either in exchange for consideration from a third party
or to benefit an affiliated entity.

2. a. Notwithstanding any law, rule, regulation, or order to the
contrary, a contracting unit shall reject all bids submitted by an
Internet service provider that:
(1) engages in paid prioritization;
(2) prevents access to lawful Internet content, applications, or
services or the use of non-harmful Internet-enabled devices by
customers located in this State, subject to reasonable network
management; or
(3) impairs or degrades access to lawful Internet content,
applications, or services or the use of non-harmful Internet-enabled
devices by customers located in this State, subject to reasonable
network management.

b. As used in this section:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Assembly AST committee amendments adopted March 12, 2018.
“Internet service provider” shall have the same meaning as provided in section 3 of P.L.2007, c.272 (C.56:8-170).

“Paid prioritization” means the management of an Internet service provider’s network to directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

3. a. Notwithstanding any law, rule, regulation, or order to the contrary, a State agency shall reject all bids submitted by an Internet service provider that:

   (1) engages in paid prioritization;
   (2) prevents access to lawful Internet content, applications, or services or the use of non-harmful Internet-enabled devices by customers located in this State, subject to reasonable network management; or
   (3) impairs or degrades access to lawful Internet content, applications, or services or the use of non-harmful Internet-enabled devices by customers located in this State, subject to reasonable network management.

   b. As used in this section:

   “Internet service provider” shall have the same meaning as provided in section 3 of P.L.2007, c.272 (C.56:8-170).

   “Paid prioritization” means the management of an Internet service provider’s network to directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

4. This act shall take effect immediately.