

SENATE, No. 1311

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

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 introduced.



1 AN ACT concerning eligibility for public contacts and
2 supplementing Title 18A of the New Jersey Statutes, P.L.1971,
3 c.198 (C.40A:11-1 et seq.), and Title 52 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding any law, rule, regulation, or order to the
9 contrary, a board of education shall reject all bids submitted by an
10 Internet service provider that:

11 (1) engages in paid prioritization;

12 (2) prevents access to lawful Internet content, applications, or
13 services or the use of non-harmful Internet-enabled devices by
14 customers located in this State, subject to reasonable network
15 management; or

16 (3) impairs or degrades access to lawful Internet content,
17 applications, or services or the use of non-harmful Internet-enabled
18 devices by customers located in this State, subject to reasonable
19 network management.

20 b. As used in this section:

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

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

29
30 2. a. Notwithstanding any law, rule, regulation, or order to the
31 contrary, a contracting unit shall reject all bids submitted by an
32 Internet service provider that:

33 (1) engages in paid prioritization;

34 (2) prevents access to lawful Internet content, applications, or
35 services or the use of non-harmful Internet-enabled devices by
36 customers located in this State, subject to reasonable network
37 management; or

38 (3) impairs or degrades access to lawful Internet content,
39 applications, or services or the use of non-harmful Internet-enabled
40 devices by customers located in this State, subject to reasonable
41 network management.

42 b. As used in this section:

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

45 “Paid prioritization” means the management of an Internet
46 service provider’s network to directly or indirectly favor some
47 traffic over other traffic, including through use of techniques such
48 as traffic shaping, prioritization, resource reservation, or other

1 forms of preferential traffic management, either in exchange for
2 consideration from a third party or to benefit an affiliated entity.

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

7 (1) engages in paid prioritization;

8 (2) prevents access to lawful Internet content, applications, or
9 services or the use of non-harmful Internet-enabled devices by
10 customers located in this State, subject to reasonable network
11 management; or

12 (3) impairs or degrades access to lawful Internet content,
13 applications, or services or the use of non-harmful Internet-enabled
14 devices by customers located in this State, subject to reasonable
15 network management.

16 b. As used in this section:

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

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

25
26 4. This act shall take effect immediately.

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29 STATEMENT

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31 This bill provides that no public contract may be awarded to an
32 Internet service provider that (1) engages in paid prioritization; (2)
33 prevents customers located in this State from accessing all lawful
34 Internet content, applications, and services or using non-harmful
35 Internet-enabled devices; or (3) impairs or degrades Internet access
36 speeds, subject to reasonable network management. As used in this
37 bill, “paid prioritization” means the management of an Internet
38 service provider’s network to directly or indirectly favor some
39 traffic over other traffic, including through use of techniques such
40 as traffic shaping, prioritization, resource reservation, or other
41 forms of preferential traffic management, either in exchange for
42 consideration from a third party or to benefit an affiliated entity.