



General Assembly

February Session, 2024

Committee Bill No. 3

LCO No. 1728



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING CONSUMER PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) As used in this section,
2 "broadband Internet access service", "broadband Internet access service
3 provider" and "digital equity" have the same meanings as provided in
4 section 16-330a of the general statutes.

5 (b) It is declared to be the public policy of the state:

6 (1) To ensure digital equity for all residents of the state;

7 (2) To ensure that all residents of the state have access to broadband
8 Internet access service that:

9 (A) Is sufficient and reliable, with Internet speeds that are sufficient
10 to meet the growing demand and reliance on broadband Internet access
11 service for access to economic prosperity, education, government,
12 health care and public safety;

13 (B) Is ubiquitous by ensuring that sufficient and reliable access to
14 broadband Internet access service is available throughout the state and

15 on tribal land, including, but not limited to, (i) the most rural areas of
16 the state, (ii) the most populated urban areas of the state, and (iii) low-
17 income neighborhoods in the state;

18 (C) Is affordable, regardless of their geographic location or household
19 income;

20 (D) Provides educational opportunities and supports digital skills
21 proficiency to ensure that they have access to opportunities to thrive in
22 a digital world;

23 (E) Ensures public safety and maintains the peace of mind that comes
24 from knowing that they have reliable access to emergency response
25 services and emergency alert systems in the event of emergencies or
26 catastrophic disasters;

27 (F) Improves their quality of life by advancing their economic status
28 through access to educational opportunities, health care and new job
29 opportunities;

30 (G) Supports economic prosperity by ensuring that all entrepreneurs
31 and workers, and all businesses, employers, enterprises and start-ups
32 regardless of size and including, but not limited to, agricultural
33 businesses, employers, enterprises, entrepreneurs and start-ups, in the
34 state have access to broadband Internet access service that optimizes the
35 value of their contributions to the economy for the purpose of ensuring
36 global competitiveness;

37 (H) Attracts capital investment to the state because ubiquitous
38 broadband Internet access service is essential to ensure that the state
39 continues to attract the state's fair share of global capital investment to
40 support and enhance the state's economic prosperity;

41 (I) Supports innovation and research in the state by ensuring that
42 broadband Internet infrastructure connects all research institutions in
43 the state to sustain world-class research and innovation that drives
44 economic productivity in the state; and

45 (J) Empowers and enables participation in the democratic process so
46 that all residents of the state are connected to the Internet with sufficient
47 speed to participate in government, online educational opportunities
48 and telehealth for their quality of life and public safety;

49 (3) That determining minimum speeds for broadband Internet access
50 service should be performance based to support online educational
51 opportunities, telehealth and remote working by a majority of
52 households online, simultaneously and with an increasing need for
53 symmetrical network speeds;

54 (4) That public broadband investments are prioritized to connect
55 entire communities and address digital redlining in historically
56 unserved and underserved communities; and

57 (5) To the extent technically feasible, for all broadband Internet access
58 service subscribers within a broadband Internet accesses service
59 provider's service territory to be able to subscribe to broadband Internet
60 access service (A) that provides comparable capacities, latency, speeds
61 and other quality-of-service metrics, and (B) upon comparable terms
62 and conditions.

63 (c) No provision of this section shall be construed to (1) create a
64 private right of action against this state to enforce any provision of this
65 section, or (2) oblige the state to enforce any provision of this section.

66 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) As used in this section:

67 (1) "Affordable broadband Internet access service" means broadband
68 Internet access service that (A) provides the capability to transmit data
69 to and receive data from an Internet endpoint in a household, (B) costs
70 not more than forty dollars per month, and (C) meets the minimum
71 speed requirements set forth in subsection (c) of this section;

72 (2) "Broadband Internet access service" has the same meaning as
73 provided in section 16-330a of the general statutes;

74 (3) "Broadband Internet access service provider" has the same
75 meaning as provided in section 16-330a of the general statutes;

76 (4) "Commissioner" means the Commissioner of Consumer
77 Protection;

78 (5) "Department" means the Department of Consumer Protection;

79 (6) "Eligible household" means (A) a resident of a group home or
80 congregate care facility that (i) is participating in a qualified public
81 assistance program, and (ii) is located within a qualified broadband
82 Internet access service provider's service territory in this state, and (B) a
83 household (i) in which at least one resident is participating in a qualified
84 public assistance program, and (ii) that is located within a qualified
85 broadband Internet access service provider's service territory in this
86 state;

87 (7) "Qualified broadband Internet access service provider" means a
88 broadband Internet access service provider that is doing business in this
89 state and with any state agency, including, but not limited to, through a
90 procurement contract;

91 (8) "Qualified public assistance program" means (A) the Connecticut
92 energy assistance program administered by the Department of Social
93 Services pursuant to the Low Income Home Energy Assistance Act of
94 1981, as amended from time to time, (B) the National School Lunch
95 Program, (C) the temporary assistance for needy families program
96 administered by the Department of Social Services pursuant to the
97 Personal Responsibility and Work Opportunity Reconciliation Act of
98 1996, as amended from time to time, (D) the supplemental nutrition
99 assistance program administered by the Department of Social Services
100 pursuant to the Food and Nutrition Act of 2008, as amended from time
101 to time, (E) the Covered Connecticut program established under section
102 19a-754c of the general statutes, (F) HUSKY Health, as defined in section
103 17b-290 of the general statutes, (G) the state supplement program to the
104 federal Supplemental Security Income Program administered by the

105 Department of Social Services pursuant to the Social Security Act, as
106 amended from time to time, and (H) any program providing need-based
107 financial aid for post-secondary education; and

108 (9) "State agency" has the same meaning as provided in section 1-79
109 of the general statutes.

110 (b) The Department of Consumer Protection shall develop, establish
111 and administer a program that shall be known as the "Net Equality
112 Program" for the purposes set forth in this section. As part of said
113 program:

114 (1) The department shall monitor progress toward achieving the
115 objectives set forth in subparagraph (C)(i) of subdivision (2) of this
116 subsection; and

117 (2) Each qualified broadband Internet access service provider shall:

118 (A) Beginning on October 1, 2024, allow any household that is located
119 within such qualified broadband Internet access service provider's
120 service territory in this state, during any month in which such
121 household qualifies as an eligible household, to immediately convert to
122 affordable broadband Internet access service provided by such qualified
123 broadband Internet access service provider;

124 (B) Not later than October 1, 2024, establish and maintain a telephone
125 number at which members of eligible households may contact trained
126 personnel to sign up for affordable broadband Internet access service
127 during the thirty-minute period immediately following the beginning
128 of a telephone call made to such telephone number;

129 (C) Not later than December 31, 2024, and annually thereafter, hold a
130 public meeting with key stakeholders to (i) ensure that (I) at least ninety
131 per cent of eligible households receive affordable broadband Internet
132 access service not later than January 1, 2025, and (II) at least ninety-five
133 per cent of eligible households receive affordable broadband Internet
134 access service not later than January 1, 2028, and (ii) explore options to

135 establish and advance strategic and effective public-private
136 partnerships;

137 (D) Not later than April 1, 2025, and annually thereafter, submit to
138 the Department of Consumer Protection, in a form and manner
139 prescribed by the Commissioner of Consumer Protection, a report
140 disclosing (i) the number of eligible households that signed up for
141 affordable broadband Internet access service provided by such qualified
142 broadband Internet access service provider during the year that is the
143 subject of the report, and (ii) the total number of eligible households that
144 received affordable broadband Internet access service provided by such
145 qualified broadband Internet access service provider during the year
146 that is the subject of such report; and

147 (E) (i) Beginning on October 1, 2024, advertise, in print and online, in
148 multiple languages and by placing advertisements with public and
149 nongovernmental organizations, the availability of (I) the affordable
150 broadband Internet access service provided by such qualified
151 broadband Internet access service provider in this state, and (II) the
152 "Affordable Connectivity Program" developed and implemented by the
153 Federal Communications Commission or an equivalent program
154 offered by said commission.

155 (ii) Each advertisement required under subparagraph (E)(i) of this
156 subdivision shall include the telephone number established and
157 maintained pursuant to subparagraph (B) of this subdivision.

158 (iii) Notwithstanding subparagraph (E)(i) of this subdivision, a
159 qualified broadband Internet access service provider may cease all
160 advertisements required under said subparagraph if a reputable state-
161 wide survey demonstrates that (I) at least eighty per cent of eligible
162 households are aware that affordable broadband Internet access service
163 is available, or (II) at least ninety-five per cent of eligible households are
164 connected to the Internet at home.

165 (c) (1) Except as provided in subdivision (2) of this subsection, all

166 affordable broadband Internet access service provided pursuant to this
167 section shall provide:

168 (A) Speeds that are at least as fast as (i) twenty-five megabits per
169 second downstream, and (ii) three megabits per second upstream; and

170 (B) Sufficient speeds and latency to support distance learning and
171 telehealth services.

172 (2) The Commissioner of Consumer Protection may modify the
173 requirements established in subdivision (1) of this subsection for the
174 purpose of complying with applicable state or federal law, except the
175 commissioner shall not modify such requirements to allow any
176 affordable broadband Internet access service provided pursuant to this
177 section to provide speeds that are slower than the speeds set forth in
178 subparagraph (A) of subdivision (1) of this subsection.

179 (d) (1) Beginning on October 1, 2024, and except as provided in
180 subdivision (2) of this subsection, no state agency shall do business, or
181 enter into any procurement contract, with any broadband Internet
182 access service provider that is doing business in this state unless such
183 broadband Internet access service provider offers affordable broadband
184 Internet access service to eligible households as required under this
185 section.

186 (2) The provisions of subdivision (1) of this subsection shall not be
187 construed to impair any contract that is in existence on October 1, 2024.

188 (e) Notwithstanding the provisions of subsections (a) to (d), inclusive,
189 of this section, the provisions of said subsections shall not be construed
190 to apply to the Department of Emergency Services and Public
191 Protection.

192 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
193 section, "business", "consumer", "consumer good" and "consumer
194 service" have the same meanings as provided in section 42-158ff of the
195 general statutes.

196 (b) (1) No business that offers to sell, lease or otherwise provide a
197 consumer good or consumer service to a consumer shall:

198 (A) Advertise, display or otherwise offer the consumer good or
199 consumer service to the consumer at a price that excludes any charge or
200 fee, other than any applicable federal, state or local tax, that such
201 consumer is required to pay in order to purchase, lease or otherwise
202 receive such consumer good or consumer service; or

203 (B) Require the consumer to pay any deceptive or excessive fee in
204 order to purchase, lease or otherwise receive the consumer good or
205 consumer service.

206 (2) Any violation of subdivision (1) of this subsection shall be deemed
207 an unfair or deceptive trade practice under subsection (a) of section 42-
208 110b of the general statutes.

209 (c) The Department of Consumer Protection shall:

210 (1) Maintain a record of each violation of subdivision (1) of subsection
211 (b) of this section of which the department has knowledge; and

212 (2) Within available appropriations, develop, establish and maintain
213 a publicly accessible online portal for the purpose of notifying
214 consumers of the violations described in subdivision (1) of this
215 subsection.

216 Sec. 4. (NEW) (*Effective July 1, 2024*) (a) As used in this section:

217 (1) "Covered foreign entity" means (A) any person that is included in
218 (i) the Consolidated Screening List maintained by the United States
219 Department of Commerce, United States Department of State and
220 United States Department of Treasury, or (ii) the Entity List,
221 Supplement 4 to 15 CFR Part 744, as amended from time to time, (B) the
222 People's Republic of China, the Russian Federation and any
223 governmental subdivision, agency or instrumentality thereof, (C) any
224 person domiciled in the People's Republic of China or the Russian

225 Federation, (D) any person under the control or influence of the People's
226 Republic of China or the Russian Federation, and (E) any affiliate or
227 subsidiary of any foreign government or person described in
228 subparagraphs (A) to (D), inclusive, of this subdivision;

229 (2) "Person" means any individual, association, corporation, limited
230 liability company, partnership, trust, government, governmental
231 subdivision, agency, instrumentality or other legal entity;

232 (3) "Public entity" means (A) the state of Connecticut, any state
233 agency, as defined in section 1-79 of the general statutes, any
234 municipality within this state and any political subdivision of this state,
235 and (B) any person that enters into a contract with the state or any state
236 agency, municipality or political subdivision described in subparagraph
237 (A) of this subdivision; and

238 (4) "Small unmanned aircraft system" (A) means any unmanned
239 powered aircraft that (i) is operated without the possibility of direct
240 human intervention from within or on the aircraft, and (ii) weighs less
241 than fifty-five pounds including anything attached to or carried by the
242 aircraft, and (B) includes (i) all elements that (I) are associated with the
243 aircraft described in subparagraph (A) of this subdivision, and (II) are
244 required for the operator to operate the aircraft described in
245 subparagraph (A) of this subdivision safely and efficiently in the
246 national airspace system, and (ii) any communication links and
247 components that control the aircraft described in subparagraph (A) of
248 this subdivision.

249 (b) (1) Beginning on October 1, 2024, and except as provided in
250 subdivisions (2) and (3) of this subsection:

251 (A) No public entity shall purchase any small unmanned aircraft
252 system assembled or manufactured by a covered foreign entity; and

253 (B) No state funds, including, but not limited to, any state funds
254 awarded or paid pursuant to a contract, cooperative agreement or grant,

255 shall be used to purchase, operate or repair a small unmanned aircraft
256 system assembled or manufactured by a covered foreign entity.

257 (2) The provisions of subdivision (1) of this subsection shall not be
258 construed to impair any contract entered into before October 1, 2024.

259 (3) The Secretary of the Office of Policy and Management may waive
260 the prohibitions established in subdivision (1) of this subsection if:

261 (A) The person seeking such waiver submits to the Office of Policy
262 and Management, in a form and manner prescribed by the Secretary of
263 the Office of Policy and Management, (i) an application specifying the
264 need for such waiver, and (ii) an application fee in the amount of forty
265 dollars; and

266 (B) The Secretary of the Office of Policy and Management (i) has
267 reviewed the application submitted pursuant to subparagraph (A)(i) of
268 this subdivision and determined that such waiver is necessary (I) due to
269 exigent circumstances, (II) to counter another unmanned aircraft
270 system, or (III) for the purpose of any criminal investigation, and (ii)
271 submits to the joint standing committee of the General Assembly having
272 cognizance of matters relating to consumer protection a notice
273 disclosing such waiver and the reasons therefor.

274 (c) (1) Not later than October 1, 2024, any public entity that operates
275 a small unmanned aircraft system assembled or manufactured by a
276 covered foreign entity shall submit to the Office of Policy and
277 Management, in a form and manner prescribed by the Secretary of the
278 Office of Policy and Management:

279 (A) A comprehensive plan to discontinue operation of such small
280 unmanned aircraft system; and

281 (B) A processing fee in the amount of twenty dollars.

282 (2) The Office of Policy and Management shall adopt rules specifying
283 requirements concerning the comprehensive plans required under

284 subparagraph (A) of this subdivision.

285 (d) Beginning on October 1, 2025, no public entity shall operate a
286 small unmanned aircraft system assembled or manufactured by a
287 covered foreign entity.

288 Sec. 5. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
289 section:

290 (1) "Connected device" means an Internet-connected device,
291 including, but not limited to, a cellular telephone, computer, home
292 appliance, motor vehicle, tablet, television, toy or video game console,
293 that includes a microphone;

294 (2) "Connected device manufacturer" means the person who
295 manufactures a connected device;

296 (3) "Initial consumer" means an individual who is (A) a resident of
297 this state, and (B) with respect to any connected device, the first
298 individual to purchase, lease or otherwise assume ownership of such
299 connected device;

300 (4) "Person" means an individual, association, corporation, limited
301 liability company, partnership, trust or other legal entity;

302 (5) "Personally identifying information" has the same meaning as
303 provided in section 42-284 of the general statutes;

304 (6) "Provider" means a person doing business in this state, including,
305 but not limited to, a connected device manufacturer, who sells, leases or
306 otherwise provides a connected device to the initial consumer of the
307 connected device;

308 (7) "Toy" means a product that a manufacturer designs, or intends to
309 be used, for amusement or play; and

310 (8) "Voice recognition feature" means any function of a connected
311 device that enables the connected device to collect, record, store,

312 analyze, interpret, transmit or otherwise use any spoken word or other
313 sound.

314 (b) No provider shall allow any person to activate any voice
315 recognition feature of a connected device unless the provider
316 prominently displays to the initial consumer or any person whom the
317 initial consumer designates to first install or set up the connected device,
318 at the time that such initial consumer or person first installs or sets up
319 such connected device, a statement disclosing:

320 (1) That such connected device includes a microphone;

321 (2) That the microphone included in such connected device will be
322 enabled or turned on;

323 (3) That such connected device might record such initial consumer;

324 (4) That the connected device manufacturer of such connected device
325 might retain recordings of such initial consumer;

326 (5) Which command or action will activate or enable operation of the
327 microphone included in such connected device;

328 (6) The categories of sounds that (A) the microphone included in such
329 connected device will listen for or record, or (B) might be disclosed to
330 any person other than such initial consumer; and

331 (7) The categories of persons described in subparagraph (B) of
332 subdivision (6) of this subsection.

333 (c) Each person who records and transmits any personally identifying
334 information collected through a microphone included in a connected
335 device shall implement and maintain reasonable security measures to
336 protect such personally identifying information from any unauthorized
337 access, acquisition, destruction, disclosure, modification or use thereof.

338 (d) No connected device manufacturer, or person who enters into a
339 contract with a connected device manufacturer, shall use or sell any

340 recording collected through operation of a voice recognition feature for
341 advertising purposes.

342 (e) No person shall compel a connected device manufacturer, or any
343 other person operating a voice recognition feature, to build specific
344 features for the purpose of allowing a law enforcement agency or officer
345 to monitor communications through a voice recognition feature.

346 (f) Nothing in this section shall be construed to:

347 (1) Impose any liability on a connected device manufacturer for any
348 functionality provided by an application that an initial consumer (A)
349 downloads and installs, or (B) chooses to use on a network of remote
350 servers hosted on the Internet to store, manage and process data;

351 (2) Authorize disclosure of any recording retained by a connected
352 device manufacturer to another person, including, but not limited to, a
353 law enforcement agency or officer, unless such disclosure is authorized
354 by other applicable law or pursuant to an order issued by a court of
355 competent jurisdiction; or

356 (3) Modify, limit or supersede the operation of any other provision of
357 the general statutes concerning privacy or security.

358 (g) A violation of this section shall be deemed an unfair or deceptive
359 trade practice under subsection (a) of section 42-110b of the general
360 statutes.

361 Sec. 6. (NEW) (*Effective January 1, 2025*) (a) As used in this section,
362 unless the context otherwise requires:

363 (1) "Broadband Internet access service" (A) means a mass-market
364 retail service that, by wire or radio, provides the capability to transmit
365 data to, and receive data from, all or substantially all Internet endpoints,
366 including, but not limited to, any capability that is incidental to, and
367 enables the operation of, such service, (B) includes any service that is (i)
368 provided to customers in this state and functionally equivalent to the

369 service described in subparagraph (A) of this subdivision, or (ii) used to
370 evade the requirements established in this section, and (C) excludes
371 dial-up Internet access service;

372 (2) "Broadband Internet access service provider" means any person
373 who provides broadband Internet access service in this state;

374 (3) "Commissioner" means the Commissioner of Consumer
375 Protection;

376 (4) "Content" means all traffic transmitted to or from end users of a
377 broadband Internet access service;

378 (5) "Department" means the Department of Consumer Protection;

379 (6) "Edge provider" means any person who provides (A) any content
380 over the Internet, or (B) a device used for accessing any content over the
381 Internet;

382 (7) "End user" means any person who uses a broadband Internet
383 access service;

384 (8) "Fixed broadband Internet access service" (A) means any
385 broadband Internet access service that services end users primarily at
386 fixed endpoints by using stationary equipment, and (B) includes, but is
387 not limited to, any fixed wireless service, fixed unlicensed wireless
388 service and fixed satellite service;

389 (9) "Mobile broadband Internet access service" means any broadband
390 Internet access service that serves end users primarily by using mobile
391 stations;

392 (10) "Net neutrality principles" means the principles set forth in
393 subsection (c) of this section;

394 (11) "Paid prioritization" means the management of a broadband
395 Internet access service provider's network to, directly or indirectly,
396 favor some content or traffic over other content or traffic, including, but

397 not limited to, through use of techniques such as traffic shaping,
398 prioritization, resource reservation or any other form of preferential
399 content or traffic management, (A) in exchange for monetary or other
400 consideration from a third party, or (B) to benefit any entity affiliated
401 with the broadband Internet access service provider;

402 (12) "Person" means an individual, association, corporation, limited
403 liability company, partnership, trust or other legal entity; and

404 (13) "Reasonable network management practice" means any network
405 management practice that (A) is primarily justified as technical network
406 management, or (B) the Commissioner of Consumer Protection
407 determines is primarily used for, and tailored to, achieving a legitimate
408 network management purpose, taking into account the particular
409 network architecture and technology of the broadband Internet access
410 service.

411 (b) Not later than January 1, 2026, the Department of Consumer
412 Protection shall develop a procedure by which a broadband Internet
413 access service provider who is engaged in the business of providing any
414 fixed broadband Internet access service or mobile broadband Internet
415 access service in this state shall submit to the department, at least
416 annually and in a form and manner prescribed by the Commissioner of
417 Consumer Protection, a registration and certification that such
418 broadband Internet access service provider is in compliance with the
419 requirements established in subsection (c) of this section.

420 (c) Beginning on April 1, 2026, the Commissioner of Consumer
421 Protection shall issue a certificate of net neutrality compliance to any
422 broadband Internet access service provider who submits to the
423 Department of Consumer Protection the registration and certification
424 required under subsection (b) of this section if such broadband Internet
425 access service provider demonstrates, and the commissioner finds, that
426 such broadband Internet access service provider:

427 (1) Does not engage in any of the following practices in the state:

428 (A) Blocking lawful content, or nonharmful devices, subject to
429 reasonable network management practices that such broadband
430 Internet access service provider has disclosed to consumers;

431 (B) Impairing or degrading lawful Internet traffic on the basis of
432 content, or the use of any nonharmful device, subject to reasonable
433 network management practices that such broadband Internet access
434 service provider has disclosed to consumers;

435 (C) Except as provided in subsection (e) of this section, paid
436 prioritization;

437 (D) Except for any interference caused by a reasonable network
438 management practice, unreasonably interfering with or unreasonably
439 disadvantaging:

440 (i) A customer's ability to select, access and use (I) broadband Internet
441 access service, or (II) lawful content or devices of the customer's choice;
442 or

443 (ii) An edge provider's ability to make lawful content or devices
444 available to a customer; or

445 (E) Any deceptive or misleading marketing practice that
446 misrepresents the treatment of Internet traffic or content to such
447 broadband Internet access service provider's customers; and

448 (2) Publicly discloses to consumers accurate information concerning
449 such broadband Internet access service provider's network
450 management practices, performance and the commercial terms of such
451 broadband Internet access service provider's broadband Internet access
452 services, which disclosure shall be sufficient for:

453 (A) A consumer to make informed choices regarding the consumer's
454 use of such broadband Internet access services; and

455 (B) A developer of content, or a device provider, to develop, market

456 and maintain Internet offerings.

457 (d) Any end user of broadband Internet access service may file a
458 complaint with the Department of Consumer Protection alleging
459 noncompliance with the provisions of this section. Upon receipt of any
460 such complaint, the department shall record such complaint and may,
461 based on such complaint, initiate a review of the performance of a
462 broadband Internet access service provider engaged in the provision of
463 fixed broadband Internet access service or mobile broadband Internet
464 access service. The Commissioner of Consumer Protection, or the
465 commissioner's designee, upon a finding that any such broadband
466 Internet access service provider failed to comply with the net neutrality
467 principles established in subsection (c) of this section, shall conduct a
468 hearing, which shall be conducted as a contested case in accordance
469 with chapter 54 of the general statutes, and after such hearing shall issue
470 orders to enforce the provisions of this section. The commissioner or the
471 commissioner's designee may assess against such broadband Internet
472 access service provider a civil penalty in the amount of not more than
473 ten thousand dollars for each violation of the provisions of this section.

474 (e) The Commissioner of Consumer Protection may waive the
475 prohibition on paid prioritization under subparagraph (C) of
476 subdivision (1) of subsection (c) of this section only if the broadband
477 Internet access service provider engaged in the provision of fixed or
478 mobile broadband Internet access service demonstrates, and the
479 commissioner finds, that the practice would provide a significant public
480 benefit and would not harm the open nature of the Internet in the state.

481 (f) Nothing in this section shall be construed as superseding or
482 limiting any existing obligation or authorization of a broadband Internet
483 access service provider engaged in the provision of fixed or mobile
484 broadband Internet access services to address the needs of emergency
485 communications, law enforcement, public safety or national security
486 authorities, consistent with or as permitted by applicable law. Nothing
487 in this section shall be construed to prohibit reasonable efforts by a

488 broadband Internet access service provider engaged in the provision of
489 fixed or mobile broadband Internet access services to address copyright
490 infringement or other unlawful activity.

491 (g) The terms and definitions of this section shall be interpreted
492 broadly, and any exceptions thereto interpreted narrowly, using
493 relevant Federal Communications Commission orders, advisory
494 opinions, rulings and regulations as persuasive guidance.

495 Sec. 7. (NEW) (*Effective October 1, 2024*) (a) As used in this section:

496 (1) "Person" means an individual, association, corporation, limited
497 liability company, partnership, trust or other legal entity;

498 (2) "Streaming service" means a service that (A) is available on a
499 subscription basis, and (B) delivers audio, video or audio and video
500 content in a compressed form over the Internet in real time;

501 (3) "Streaming service provider" means a person doing business in
502 this state that offers or provides a streaming service to a subscriber; and

503 (4) "Subscriber" means a person in this state who subscribes to a
504 streaming service offered or provided by a streaming service provider.

505 (b) No streaming service provider shall charge a subscriber for any
506 streaming service after the date on which such subscriber requests to
507 cancel such streaming service. If the subscriber makes such request
508 before the last day of the monthly billing period for such streaming
509 service, the streaming service provider shall provide to the subscriber a
510 pro rata rebate for all days of the monthly billing period after the date
511 on which the subscriber made such request.

512 Sec. 8. (NEW) (*Effective January 1, 2025*) (a) For the purposes of this
513 section:

514 (1) "Agricultural equipment" includes (A) a baler, combine, sprayer,
515 tillage implement, tractor, trailer and any other equipment that is used

516 to (i) plant, cultivate or harvest agricultural products, or (ii) ranch, and
517 (B) all attachments to, and parts for, the equipment described in
518 subparagraph (A) of this subdivision;

519 (2) "Antenna" includes, but is not limited to, any resonant device that
520 is designed especially for the purpose of capturing electromagnetic
521 energy transmitted by direct satellite or commercial radio or television
522 broadcasting facilities;

523 (3) "Authorized repair provider" (A) means a person who (i) is
524 unaffiliated with a manufacturer, and (ii) has an arrangement with a
525 manufacturer (I) under which the manufacturer grants to the person a
526 license to use a trade name, service mark or other proprietary identifier
527 to offer diagnostic, maintenance or repair services for electronic or
528 appliance products under the manufacturer's name, or (II) to offer
529 diagnostic, maintenance or repair services for electronic or appliance
530 products on behalf of the manufacturer, and (B) includes a
531 manufacturer, with respect to any of such manufacturer's electronic or
532 appliance products, if the manufacturer (i) offers diagnostic,
533 maintenance or repair services for such product, and (ii) does not have
534 an arrangement with an unaffiliated person to diagnose, maintain or
535 repair such product;

536 (4) "Documentation" means any electronic or appliance product
537 diagram, manual, reporting output, schematic, service code description
538 or similar information that a manufacturer provides to an authorized
539 repair provider or, if the manufacturer does not have an authorized
540 repair provider, the manufacturer uses for the purpose of diagnosing,
541 maintaining or repairing an electronic or appliance product;

542 (5) "Electronic or appliance product" or "product" (A) means any
543 agricultural equipment, antenna, electronic set, major home appliance,
544 powered wheelchair or rotator (i) that is manufactured for the first time,
545 and first sold or used in this state, on or after January 1, 2025, and (ii) for
546 which the manufacturer makes documentation, parts and tools
547 available to an authorized repair provider, and (B) includes, but is not

548 limited to, any item set forth in subparagraph (A) of this subdivision
549 that is sold through any method other than a direct retail sale;

550 (6) "Electronic set" includes, but is not limited to, any audio or video
551 recorder or playback equipment, computer system, facsimile machine,
552 photocopier, radio, television, video camera, video game or video
553 monitor that is normally used or sold for personal, family, household or
554 home office use;

555 (7) "Fair and reasonable terms" means terms that satisfy the
556 requirements established in subdivision (3) of subsection (b) of this
557 section;

558 (8) "Manufacturer" means the person who manufactures an electronic
559 or appliance product;

560 (9) "Major home appliance" includes, but is not limited to, any
561 dishwasher, dryer, freezer, microwave oven, range, refrigerator, room
562 air conditioner, trash compactor or washer that is normally used or sold
563 (A) for personal, family, household or home office use, or (B) for use in
564 private motor vehicles;

565 (10) "Part" means any replacement component or assembly of
566 components, either new or used, which the manufacturer of an
567 electronic or appliance product makes available to an authorized repair
568 provider to facilitate the maintenance or repair of such product;

569 (11) "Person" means an individual, association, corporation, limited
570 liability company, partnership, trust or other legal entity;

571 (12) "Powered wheelchair" means a motorized wheeled device
572 designed for use by an individual with a physical disability;

573 (13) "Rotator" includes, but is not limited to, an electromechanical
574 device, used in connection with an antenna installation or repair, that is
575 operated from a remote location to rotate an antenna on a horizontal
576 plane;

577 (14) "Tool" (A) means any hardware implement, software program or
578 other apparatus that the manufacturer of an electronic or appliance
579 product makes available to an authorized repair provider for the
580 diagnosis, maintenance or repair of such product, and (B) includes, but
581 is not limited to, (i) any software or other mechanism that provisions,
582 programs, pairs a part, provides or calibrates functionality or performs
583 any other function necessary to repair an electronic or appliance
584 product, or a part thereof, and return such product or part to its fully
585 functional condition, and (ii) any update to any software or mechanism
586 described in subparagraph (B)(i) of this subdivision; and

587 (15) "Trade secret" has the same meaning as provided in section 35-
588 51 of the general statutes.

589 (b) (1) Notwithstanding any other provision of the general statutes,
590 the manufacturer of an electronic or appliance product shall make
591 available, on fair and reasonable terms, to the owners of such product,
592 service and repair facilities and service dealers documentation and
593 functional parts and tools, inclusive of any updates thereto, that are
594 sufficient to effect the diagnosis, maintenance or repair of such product:

595 (A) For at least three years after the last date on which such
596 manufacturer manufactured an electronic or appliance product of the
597 same model or type if such product has a wholesale price to a retailer,
598 or to any other person in any sale other than a direct retail sale, of at
599 least fifty dollars but less than one hundred dollars; or

600 (B) For at least seven years after the last date on which such
601 manufacturer manufactured an electronic or appliance product of the
602 same model or type if such product has a wholesale price to a retailer,
603 or to any person in any sale other than a direct retail sale, of at least one
604 hundred dollars.

605 (2) The time periods set forth in subparagraphs (A) and (B) of
606 subdivision (1) of this subsection shall apply regardless of whether such
607 time periods exceed the term of any warranty period for the electronic

608 or appliance product.

609 (3) (A) For the purposes of subdivision (1) of this subsection and
610 except as provided in subparagraph (B) of this subdivision, the
611 manufacturer of an electronic or appliance product shall be deemed to
612 have made documentation, functional parts and tools available on fair
613 and reasonable terms:

614 (i) If such manufacturer makes such documentation, parts and tools
615 available at costs and on terms that are equivalent to the most favorable
616 costs and terms under which such manufacturer offers such
617 documentation, parts and tools to authorized repair providers,
618 accounting for any discount, rebate, convenient and timely means of
619 delivery, means of enabling fully restored and updated functionality,
620 rights of use or other incentive or preference such manufacturer offers
621 to authorized repair providers;

622 (ii) For documentation, if such manufacturer makes such
623 documentation, including any relevant updates thereto, available at no
624 charge, except such manufacturer may impose a charge for the
625 reasonable actual costs incurred by such manufacturer in preparing and
626 sending a physical printed version of such documentation to an owner,
627 service and repair facility or service dealer if the owner, service and
628 repair facility or service dealer requests a physical printed version of
629 such documentation; and

630 (iii) For tools, if such manufacturer makes such tools available at no
631 charge and without imposing any impediment to access or use such
632 tools to diagnose, maintain or repair and enable full functionality of
633 such product, or in a manner that does not impair the efficient and cost-
634 effective performance of any such diagnosis, maintenance or repair,
635 except such manufacturer may impose a charge for the reasonable
636 actual costs incurred by such manufacturer in preparing and sending
637 such tools to an owner, service and repair facility or service dealer in
638 physical form if the owner, service and repair facility or service dealer
639 requests such tools in physical form.

640 (B) If a manufacturer does not use an authorized repair provider, the
641 manufacturer of an electronic or appliance product shall be deemed to
642 have made documentation, functional parts and tools available on fair
643 and reasonable terms if such manufacturer makes such documentation,
644 parts and tools available at a price that reflects the actual costs incurred
645 by such manufacturer in preparing and delivering such documentation,
646 parts and tools, excluding any research and development costs.

647 (c) If a service dealer or service and repair facility is not an authorized
648 repair provider for an electronic or appliance product, the service dealer
649 or service and repair facility shall, before repairing any such product,
650 provide to the customer who requests such repair a written notice
651 disclosing:

652 (1) That such service dealer or service and repair facility is not an
653 authorized repair provider for such product; and

654 (2) Whether such service dealer or service and repair facility uses any
655 (A) used replacement parts, or (B) replacement parts provided by a
656 supplier other than the manufacturer of such product.

657 (d) (1) Except as provided in subdivision (2) of this subsection, no
658 manufacturer or authorized repair provider shall be liable for any
659 damage or injury caused to any electronic or appliance product, person
660 or property that occurs as a result of any diagnosis, maintenance,
661 modification or repair performed by an owner or a service dealer,
662 including, but not limited to:

663 (A) Any indirect, incidental, special or consequential damages;

664 (B) Any loss of data, privacy or profits; or

665 (C) Any inability to use, or reduced functionality of, such product.

666 (2) The provisions of subdivision (1) of this subsection shall not apply
667 to any design defect or manufacturing flaw that existed prior to, or
668 independent of, any diagnosis, maintenance, modification or repair

669 described in said subdivision.

670 (e) Notwithstanding subsections (a) to (d), inclusive, of this section,
671 no provision of said subsections shall be construed to:

672 (1) Require the manufacturer of an electronic or appliance product to
673 (A) disclose any trade secret, or license any intellectual property,
674 including, but not limited to, any copyright or patent, unless such
675 disclosure or license is necessary for such manufacturer to comply with
676 the provisions of this section, (B) make available any special
677 documentation, tools or parts that would disable or override antitheft
678 security measures set by the owner of any such product without such
679 owner's authorization, or (C) sell any part if such manufacturer no
680 longer (i) provides such part, or (ii) makes such part available to
681 authorized repair providers;

682 (2) Require any manufacturer of an electronic or appliance product
683 that is an authorized repair provider within the meaning of
684 subparagraph (B) of subdivision (3) of subsection (a) of this section to
685 make available any documentation or tools that (A) such manufacturer
686 exclusively uses to perform, at no cost to customers, remote diagnostic
687 services, including, but not limited to, remote diagnostic services
688 performed by way of the Internet, electronic mail or any chat function
689 or telephonic means, that do not require such manufacturer to
690 physically handle a customer's electronic or appliance product, unless
691 such manufacturer also makes such documentation or tools available to
692 any person who is unaffiliated with such manufacturer, or (B) are
693 exclusively used by machines that simultaneously repair several
694 electronic or appliance products, provided such manufacturer makes
695 available to the owners of such product, service and repair facilities and
696 service dealers sufficient alternative documentation and tools to
697 diagnose, maintain or repair such product;

698 (3) Require distribution of the source code for an electronic or
699 appliance product; or

700 (4) Apply to the manufacturer of an electronic or appliance product
701 if such manufacturer provides to a customer, at no charge to the
702 customer, a replacement electronic or appliance product that is readily
703 available and equivalent to, or better than, the replaced electronic or
704 appliance product.

705 (f) A violation of this section shall be deemed an unfair or deceptive
706 trade practice under subsection (a) of section 42-110b of the general
707 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	New section
Sec. 4	<i>July 1, 2024</i>	New section
Sec. 5	<i>October 1, 2024</i>	New section
Sec. 6	<i>January 1, 2025</i>	New section
Sec. 7	<i>October 1, 2024</i>	New section
Sec. 8	<i>January 1, 2025</i>	New section

Statement of Purpose:

To (1) declare the state's policy concerning broadband Internet access service, (2) require certain broadband Internet access service providers to provide affordable broadband Internet access service, (3) require certain fee disclosures and prohibit deceptive and excessive fees for consumer goods and services, (4) prohibit public entities from purchasing or operating certain small unmanned aircraft systems, (5) impose various requirements concerning connected devices, (6) require net neutrality by imposing requirements on certain broadband Internet access service providers, (7) regulate streaming service billing practices, and (8) impose various requirements concerning repairs of electronic or appliance products.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.

SEN. ANWAR, 3rd Dist.; SEN. CABRERA, 17th Dist.
SEN. COHEN, 12th Dist.; SEN. FLEXER, 29th Dist.
SEN. GASTON, 23rd Dist.; SEN. HOCHADEL, 13th Dist.
SEN. KUSHNER, 24th Dist.; SEN. LESSER, 9th Dist.
SEN. MAHER, 26th Dist.; SEN. MARONEY, 14th Dist.
SEN. MARX, 20th Dist.; SEN. MCCRORY, 2nd Dist.
SEN. MILLER P., 27th Dist.; SEN. MOORE, 22nd Dist.
SEN. NEEDLEMAN, 33rd Dist.; SEN. OSTEN, 19th Dist.
SEN. RAHMAN, 4th Dist.; SEN. SLAP, 5th Dist.
SEN. WINFIELD, 10th Dist.

S.B. 3