

General Assembly

January Session, 2021

Committee Bill No. 4

LCO No. **4329**

Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by: (ET)

AN ACT CONCERNING DATA PRIVACY, NET NEUTRALITY, CYBER SECURITY AND FAIRNESS IN DATA USAGE IN THE NEW AGE OF A DIGITAL WORKFORCE.

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

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) For the purposes of this 2 section:

(1) "Broadband Internet access service" means a mass-market retail
service by wire or radio that provides the capability to transmit data to
and receive data from all or substantially all Internet endpoints,
including any capability that is incidental to and enables the operation
of the service, but excluding dial-up Internet access service;

8 (2) "Content, applications and services" means all traffic transmitted
9 to or from end users of a broadband Internet access service;

(3) "Edge provider" means any person or entity that provides (A) any
content, application or service over the Internet, or (B) a device used for
accessing any content, application or service over the Internet;

13 (4) "End user" means any person or entity that uses a broadband

14 Internet access service;

(5) "Fixed broadband Internet access service" means a broadband
Internet access service that services end users primarily at fixed
endpoints using stationary equipment, including fixed wireless
services, fixed unlicensed wireless services and fixed satellite services;

(6) "Mobile broadband Internet access service" means a broadband
Internet access service that serves end users primarily using mobile
stations;

(7) "Net neutrality principles" means the provisions described in
subsections (d) to (g), inclusive, of this section;

(8) "Paid prioritization" means the management of a broadband
Internet access 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 traffic management either (A) in exchange for monetary or
other consideration from a third party, or (B) to benefit an affiliated
entity; and

31 (9) "Reasonable network management" means а network 32 management practice that has a primarily technical network 33 management justification, but does not include other business practices, 34 provided a network management practice is reasonable if it is primarily 35 used for and tailored to achieving a legitimate network management 36 purpose, as determined by the authority, taking into account the 37 particular network architecture and technology of the broadband 38 Internet access service.

(b) A person or entity engaged in the provision of fixed or mobile
broadband Internet access services within the state shall register with
the Public Utilities Regulatory Authority, in a manner prescribed by the
authority. On January 1, 2022, and each subsequent January first
thereafter, each registered person or entity shall pay an annual

44 registration fee to the authority in the amount of five thousand dollars.

(c) A person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall publicly disclose accurate information regarding the network management practices, performance and commercial terms of its broadband Internet access services sufficient, as determined by the authority, for end users of such services to fully and accurately ascertain if the service is in compliance with this section.

(d) A person or entity engaged in the provision of fixed or mobile
broadband Internet access services within the state shall not block
lawful content, applications, services, as determined by the authority, or
nonharmful devices, as determined by the authority, subject to
reasonable network management.

(e) A person or entity engaged in the provision of fixed or mobile
broadband Internet access services within the state shall not impair or
degrade lawful Internet traffic on the basis of Internet content,
application or service, or use of a nonharmful device, subject to
reasonable network management.

(f) A person or entity engaged in the provision of fixed or mobile
broadband Internet access services within the state shall not engage in
paid prioritization.

65 (g) Any person or entity engaged in the provision of fixed or mobile broadband Internet access services within the state shall not interfere 66 67 with or disadvantage an (1) end user's ability to select, access and use 68 broadband Internet access service or lawful Internet content, 69 applications or services, or devices of such end user's choice, or (2) edge 70 provider's ability to make lawful content, applications, services or 71 devices available to end users, provided such person or entity may 72 engage in reasonable network management.

73 (h) The authority shall receive and record complaints of any end user

74 of broadband Internet access service within the state. Upon receipt of 75 such complaints, the authority may, in its discretion, review the 76 performance of a person or entity engaged in the provision of fixed or 77 mobile broadband Internet access service. The authority, upon a finding 78 that any such person or entity failed to comply with the net neutrality 79 principles described in this section, shall make orders, after a hearing 80 that is conducted as a contested case in accordance with chapter 54 of 81 the general statutes, to enforce the provisions of this section and may 82 levy civil penalties against such person or entity, pursuant to section 16-83 41 of the general statutes, for noncompliance.

84 (i) Nothing in this section shall be considered to supersede or limit 85 any obligation or authorization a person or entity engaged in the 86 provision of fixed or mobile broadband Internet access services may 87 have to address the needs of emergency communications, law 88 enforcement, public safety or national security authorities, consistent 89 with or as permitted by applicable law. Nothing in this section shall be 90 construed to prohibit reasonable efforts by a person or entity engaged 91 in the provision of fixed or mobile broadband Internet access services to 92 address copyright infringement or other unlawful activity.

93 Sec. 2. (NEW) (*Effective July 1, 2020*) (a) For the purposes of this 94 section:

(1) "Broadband Internet access service" means a mass-market retail
service by wire or radio that provides the capability to transmit data to
and receive data from all or substantially all Internet endpoints,
including any capabilities that are incidental to and enable the operation
of the communications service, but excluding dial-up Internet access
service;

(2) "Broadband Internet access service provider" means any person or
entity that provides broadband Internet access service through facilities
occupying public highways or streets authorized by the Public Utilities
Regulatory Authority, including through a certificate of public
convenience and necessity, a certificate of video franchise authority, a

106 certificate of cable franchise authority, or as a certified107 telecommunications provider;

108 (3) "Browsing history" means information that shows a consumer109 accessed a specific web site;

(4) "Consumer" means an Internet service account holder, such
account holder's immediate family and any other person such account
holder permits to access the Internet through use of such account
holder's account;

114 (5) "Express and affirmative permission" means permission that (A) 115 is explicitly solicited in writing or by electronic means separate from any 116 other terms of service or items of consent, (B) is clear and succinct, (C) 117 clearly identifies any person to whom a broadband Internet access 118 service provider will transfer personally identifying information, (D) 119 outlines the scope of the personally identifying information to be 120 transferred, (E) includes a warning that after the grant of such 121 permission, state law cannot guarantee that the person who receives 122 such personally identifying information will not transfer that 123 information to a third party or otherwise publicize such personally 124 identifying information, (F) is sought by a broadband Internet access 125 service provider for each person to whom it seeks to transfer such 126 personally identifying information, and (G) expires not later than one 127 year after such permission is granted; and

128 (6) "Personally identifying information" means the following 129 information relating to a consumer using a broadband Internet access service provider to connect to the Internet: (A) Such consumer's name, 130 131 address, Social Security number, geographic location or browsing 132 history, (B) the Internet protocol address associated with an electronic 133 device that belongs to such consumer, (C) the content of such 134 consumer's communications with anyone other than the broadband 135 Internet access service provider, and (D) any information about such 136 consumer's spouse, children, health or finances.

(b) No broadband Internet access service provider shall sell or
transfer a consumer's personally identifying information to a person
without such consumer's express and affirmative permission.

(c) No broadband Internet access service provider shall send or
display to a consumer an advertisement that has been selected to be sent
or displayed because of such consumer's browsing history without such
consumer's express and affirmative permission.

(d) No broadband Internet access service provider shall refuse to
provide its services to a consumer because of such consumer's refusal to
provide express and affirmative permission to the broadband Internet
access service provider pursuant to subsections (b) and (c) of this
section.

149 (e) The Public Utilities Regulatory Authority shall receive and record 150 complaints of any broadband Internet access service provider. Upon 151 receipt of such complaints, the authority may, in its discretion, review 152 the performance of the broadband Internet access service provider 153 engaged in, without a consumer's express and affirmative permission, 154 the (1) sale or transfer of such consumer's personally identifying 155 information, (2) transmission or display of an advertisement that was 156 selected for transmission or display because of such consumer's 157 browsing history, or (3) refusal to provide its services because of such 158 consumer's refusal to provide express and affirmative permission. The 159 authority, upon a finding that any such broadband Internet access 160 service provider failed to comply with the provisions described in this 161 section, shall make orders, after a hearing that is conducted as a 162 contested case in accordance with chapter 54 of the general statutes, to 163 enforce the provisions of this section and may levy civil penalties 164 against such broadband Internet access service provider, pursuant to 165 section 16-41 of the general statutes, for noncompliance.

(f) This section shall not apply to a broadband Internet access service
provider that transmits a consumer's personally identifying information
(1) in response to a subpoena, summons, warrant or court order that

169 appears on its face to be issued in accordance with lawful authority, or

- 170 (2) to the consumer to whom such personally identifying information171 pertains.
- 172 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

(1) "Broadband Internet access service" means a mass-market retail
service by wire or radio that provides the capability to transmit data to
and receive data from all or substantially all Internet endpoints,
including any capabilities that are incidental to and enable the operation
of the communications service, but excluding dial-up Internet access
service;

179 (2) "Broadband Internet access service provider" means any person or 180 entity that provides broadband Internet access service through facilities 181 occupying public highways or streets authorized by the Public Utilities 182 Regulatory Authority, including through a certificate of public 183 convenience and necessity, a certificate of video franchise authority, a 184 certificate of cable franchise authority, or as а certified 185 telecommunications provider;

(3) "Make-ready" means the modification or replacement of a public
utility pole, or of the lines or equipment on the public utility pole, to
accommodate additional facilities on the pole; and

(4) "One-touch make-ready" means make-ready in which the person
attaching new equipment to a public utility pole performs all of the
make-ready work.

(b) On or before January 31, 2022, the Public Utilities Regulatory
Authority shall develop a process in an uncontested proceeding for the
construction of facilities in the public highways, streets or other public
rights-of-way to ensure timely and nondiscriminatory procedures that
accomplish public utility pole attachments and conduit excavations for
telecommunications service providers and broadband Internet access
service providers.

(c) On or before January 31, 2022, the authority shall develop a onetouch make-ready process in an uncontested proceeding for
attachments of telecommunications service and broadband Internet
access service facilities on public utility poles to be implemented by the
owners of such public utility poles.

(d) On or before January 31, 2022, the authority shall submit a report
to the joint standing committee of the General Assembly having
cognizance of matters relating to energy, the Office of State Broadband,
the Department of Energy and Environmental Protection, the
Department of Economic and Community Development and the
Department of Transportation. Such report shall include the authority's
fully developed one-touch make-ready process.

(e) Upon application by the Internet access service providers for the
construction of underground facilities that will contain conduit for
telecommunications service providers or broadband Internet access
service providers, the authority shall condition any approval of such
application on the following conditions:

(1) The size of such conduit must be consistent with industry bestpractices and sufficient to accommodate potential demand;

(2) Any handholes and manholes for fiber optic cable access and
pulling with respect to each such practice are placed at intervals
consistent with industry best practices;

(3) Such conduit shall be installed with a pull tape and capabilities ofsupporting additional fiber optic cable;

(4) The applicant shall notify telecommunications service providers
and broadband Internet access service providers of the proposed
excavation to reduce the potential for future street excavations in the
same location;

(5) Any requesting telecommunications service provider orbroadband Internet access service provider shall be able to access such

conduit on a competitively neutral and nondiscriminatory basis and for

a charge not to exceed a cost-based rate; and

(6) The applicant shall report to the authority upon completion of anyapproved construction verifying that it has complied with theprovisions of this subsection.

(f) For excavations in the state highway rights-of-way, the applicant
shall comply with the Department of Transportation's encroachment
permit process, including the payment of any applicable fees. Any
application for construction in the public highways, streets or other
public rights-of-way shall require the applicant to install a conduit for
the benefit of the Department of Transportation, as required by section
16-233 of the general statutes.

(g) The Commissioner of Transportation is authorized to lease space,
or enter into any other contract or agreement to permit access to such
space, in any conduit installed by the Department of Transportation in
the public highways, streets or other public rights-of-way on such terms
and conditions, and for any purpose, deemed to be in the public interest
by said commissioner.

(h) Nothing herein shall be construed to limit the use of conduit by
the Department of Transportation on public highways, streets or other
public rights-of-way as otherwise permitted by law.

(i) Any applicant for a public utility pole attachment license made to
the owner or custodian of a public utility pole shall be granted a
temporary license within thirty days of submitting a complete license
application and a permanent license within ninety days of submitting a
complete license application.

(j) The authority shall establish an expedited dispute resolution
process to address any issues that may arise between an individual
attaching telecommunications service or broadband Internet access
service facilities on a public utility pole and the owner or custodian of

such pole.

260 (k) All public service companies, as defined by section 16-1 of the 261 general statutes, and other persons that are authorized by the authority 262 to install facilities in, under or over the public highways, streets or other 263 public rights-of-way shall obey, observe and comply with this section 264 and each applicable order made by the authority with respect to pole 265 attachments and underground conduit. Failure to comply with this 266 section or applicable orders of the authority may result in a fine up to 267 one hundred thousand dollars for a wilful violation or up to fifty 268 thousand dollars for any other violations. The authority shall impose 269 any such civil penalty in accordance with the procedure established in 270 section 16-41 of the general statutes. Any such fines are not recoverable 271 costs in any rate proceeding conducted by the authority.

Sec. 4. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

(1) "Broadband Internet access service" means a mass-market retail
service by wire or radio that provides the capability to transmit data to
and receive data from all or substantially all Internet endpoints,
including any capabilities that are incidental to and enable the operation
of the communications service, but excluding dial-up Internet access
service;

279 (2) "Broadband Internet access service provider" means any person or 280 entity that provides broadband Internet access service through facilities 281 occupying public highways or streets authorized by the Public Utilities 282 Regulatory Authority, including through a certificate of public 283 convenience and necessity, a certificate of video franchise authority, a 284 certificate of cable franchise authority, or as а certified 285telecommunications provider; and

(3) "Data cap" means a limit on, or a fee-based structure with the
purpose of limiting, the broadband Internet download and upload
speeds a consumer may utilize during a period of time specified by a
broadband Internet access service provider.

(b) On and after October 1, 2021, each broadband Internet access
service provider shall include an explanation for each charge appearing
on a customer's bill, including, but not limited to, all usage fees
associated with such customer's data cap.

294 Sec. 5. (Effective July 1, 2021) The Public Utilities Regulatory Authority 295 shall conduct a study to identify cybersecurity issues facing the state and 296 to make recommendations regarding specific actions that the state can 297 implement to promote and coordinate communication between 298 government entities, law enforcement, institutes of higher education, 299 the private sector and the public to improve cybersecurity 300 preparedness. The authority shall report, in accordance with the 301 provisions of section 11-4a of the general statutes, the findings of such 302 study and any recommendations to the joint standing committee of the 303 General Assembly having cognizance of matters relating to energy on 304 or before January 1, 2022.

305 Sec. 6. (*Effective July 1, 2021*) The Public Utilities Regulatory Authority 306 shall conduct a study to examine the state's data privacy laws and to 307 make recommendations regarding possible legislation to improve the 308 state's data privacy laws. The authority shall report, in accordance with 309 the provisions of section 11-4a of the general statutes, the findings of 310 such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to 311 312 energy on or before January 1, 2022.

313 Sec. 7. (*Effective July 1, 2021*) The Public Utilities Regulatory Authority 314 shall conduct a study to determine whether to create a tax safe harbor 315 for organizations in the state that adopt a written cybersecurity plan 316 based on the National Institute of Standards and Technology 317 Cybersecurity Framework or the Center for Internet Security Controls. 318 The authority shall report, in accordance with the provisions of section 319 11-4a of the general statutes, the findings of such study to the joint 320 standing committee of the General Assembly having cognizance of 321 matters relating to energy on or before January 1, 2022.

Sec. 8. (*Effective July 1, 2021*) The Public Utilities Regulatory Authority shall conduct a study to determine whether to expand the oversight authority of local advisory councils. The authority shall report, in accordance with the provisions of section 11-4a of the general statutes, the findings of such study to the joint standing committee of the General Assembly having cognizance of matters relating to energy on or before January 1, 2022.

329 Sec. 9. (Effective July 1, 2021) The Public Utilities Regulatory Authority 330 shall conduct a study to determine how two or more municipalities may 331 consolidate resources and optimize fiber optic connections in order to 332 meet the broadband Internet access service needs of said municipality's 333 residents and businesses. The authority shall report, in accordance with 334 the provisions of section 11-4a of the general statutes, the findings of 335 such study to the joint standing committee of the General Assembly 336 having cognizance of matters relating to energy on or before January 1, 2022. 337

338 Sec. 10. Section 53a-181d of the general statutes is repealed and the 339 following is substituted in lieu thereof (*Effective October 1, 2021*):

340 (a) For the purposes of this section: [, "course of conduct"]

(1) "Course of conduct" means two or more acts, including, but not
limited to, acts in which a person directly, indirectly or through a third
party, by any action, method, device or means, including, but not
limited to, electronic or social media, [(1)] (A) follows, lies in wait for,
monitors, observes, surveils, threatens, harasses, communicates with or
sends unwanted gifts to, a person, or [(2)] (B) interferes with a person's
property; [, and "emotional distress"]

348 (2) "Emotional distress" means significant mental or psychological
349 suffering or distress that may or may not require medical or other
350 professional treatment or counseling; [.]

351 (3) "Personally identifying information" means:

	Committee Dim No. 4			
352	(A) Any information that can be used to distinguish or trace an			
353	individual's identity, such as name, prior legal name, alias, mother's			
354	maiden name, Social Security number, date or place of birth, address,			
355	phone number or biometric data;			
356	<u>(B) Any information that is linked or linkable to an individual, such</u>			
357	as medical, financial, education, consumer or employment information,			
358	<u>data or records; or</u>			
359	(C) Any other sensitive private information that is linked or linkable			
360	to a specific identifiable individual, such as gender identity, sexual			
361	orientation or any sexually intimate visual depiction; and			
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362	(4) "Serious inconvenience" means that a person significantly			
363	modifies the person's actions or routines in an attempt to avoid the actor			
364	or because of the actor's conduct. "Serious inconvenience" includes, but			
365	is not limited to, changing a telephone number, changing an electronic			
366	mail address, deleting or meaningfully changing or significantly			
367	decreasing use of the Internet, moving from an established residence,			
368	changing daily routines, changing routes to and from place of			
369	employment, changing employment or employment schedule or losing			
370	time from employment.			
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371	(b) A person is guilty of stalking in the second degree when:			
372	(1) Such person knowingly engages in a course of conduct directed at			
373	a specific person that would cause a reasonable person to (A) fear for			
374	such person's physical safety or the physical safety of a third person, or			
375	(B) suffer emotional distress; or			
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376	(2) Such person intentionally, and for no legitimate purpose, engages			
377	in a course of conduct directed at a specific person that would cause a			
378	reasonable person to fear that such person's employment, business or			
379	career is threatened, where (A) such conduct consists of the actor			
380	telephoning to, appearing at or initiating communication or contact at			
381	such other person's place of employment or business, provided the actor			

382 was previously and clearly informed to cease such conduct, and (B) such 383 conduct does not consist of constitutionally protected activity. 384 (3) Such person intentionally, and for no legitimate purpose, by 385 means of electronic communication, including, but not limited to, 386 electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing such 387 disclosure would cause a reasonable person to: 388 389 (A) Fear for such person's physical safety or the physical safety of a third person; 390 391 (B) Fear damage or destruction to or tampering with the property owned by or in possession or control of the person; 392 393 (C) Suffer emotional distress; or 394 (D) Suffer serious inconvenience. 395 (c) For the purposes of this section, a violation may be deemed to have 396 been committed either at the place where the communication originated 397 or at the place where it was received. 398 [(c)] (d) Stalking in the second degree is a class A misdemeanor. 399 Sec. 11. Section 53a-181c of the general statutes is repealed and the 400 following is substituted in lieu thereof (*Effective October 1, 2021*): 401 (a) A person is guilty of stalking in the first degree when such person 402 commits stalking in the second degree as provided in section 53a-181d, 403 as amended by this act, and (1) such person has previously been 404 convicted of a violation of section 53a-181d, as amended by this act, or 405 (2) such conduct violates a court order in effect at the time of the offense, 406 or (3) the other person is under sixteen years of age. 407 (b) Stalking in the first degree is a class D felony. 408 Sec. 12. Section 53a-129e of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective October 1, 2021*):

410 (a) A person is guilty of trafficking in personal identifying 411 information when such person sells, gives or otherwise transfers 412 personal identifying information, as defined in section 53a-129a, of 413 another person to a third person knowing that such information has 414 been obtained without the authorization of such other person and that 415 such third person intends to use such information for an unlawful 416 purpose, including, but not limited to, a violation of section 53a-181d, as 417 amended by this act.

418 (b) Trafficking in personal identifying information is a class D felony.

419 Sec. 13. (NEW) (Effective October 1, 2021) Any person aggrieved by a 420 violation of subdivision (3) of subsection (b) of section 53a-181d of the 421 general statutes, as amended by this act, may bring a civil action in the 422 superior court for the judicial district where such person resides or the 423 judicial district of Hartford against the person or persons who 424 committed such violation to recover actual damages, statutory damages 425 of not more than one thousand dollars for each violation, and a 426 reasonable attorney's fee.

Sec. 14. Subsection (e) of section 10-221 of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2021):

430 (e) Not later than July 1, 1990, each local and regional board of 431 education shall adopt a written policy and procedures for dealing with 432 youth suicide prevention and youth suicide attempts. Each such board 433 of education may establish a student assistance program to identify risk 434 factors for youth suicide, procedures to intervene with such youths, 435 referral services and training for teachers and other school professionals 436 and students who provide assistance in the program. Not later than 437 October 1, 2021, the board shall make such policy and procedures 438 available on the Internet web site of the board and each individual 439 school in the school district.

This act shall take effect as follows and shall amend the following sections:			
Section 1	July 1, 2021	New section	
Sec. 2	July 1, 2020	New section	
Sec. 3	July 1, 2021	New section	
Sec. 4	July 1, 2021	New section	
Sec. 5	July 1, 2021	New section	
Sec. 6	July 1, 2021	New section	
Sec. 7	July 1, 2021	New section	
Sec. 8	July 1, 2021	New section	
Sec. 9	July 1, 2021	New section	
Sec. 10	October 1, 2021	53a-181d	
Sec. 11	October 1, 2021	53a-181c	
Sec. 12	October 1, 2021	53a-129e	
Sec. 13	October 1, 2021	New section	
Sec. 14	July 1, 2021	10-221(e)	

Statement of Purpose:

To: (1) Require the Public Utilities Regulatory Authority to apply net neutrality principles to broadband Internet access service providers and enforce such principles with civil penalties; (2) direct the authority to conduct studies on cybersecurity and data privacy laws in the state; and (3) extend the crime of stalking in the second degree to certain electronic disclosures of personal identifiable information without consent; and (4) establish a civil action for victims of such crime and require school boards to post existing suicide prevention policies and procedures on their Internet web sites.

[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. MCCRORY, 2nd Dist.; SEN. ANWAR, 3rd Dist. SEN. CASSANO, 4th Dist.; SEN. SLAP, 5th Dist. SEN. LESSER, 9th Dist.; SEN. WINFIELD, 10th Dist. SEN. COHEN, 12th Dist.; SEN. DAUGHERTY ABRAMS, 13th Dist. SEN. CABRERA, 17th Dist.; SEN. MOORE, 22nd Dist. SEN. KUSHNER, 24th Dist.; SEN. HASKELL, 26th Dist.
	SEN. FLEXER, 29th Dist.; SEN. KASSER, 36th Dist.

Committee Bill No. 4

SEN. BRADLEY, 23rd Dist.; REP. CONLEY, 40th Dist. REP. TURCO, 27th Dist.

<u>S.B. 4</u>