

SENATE No. 45

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting internet access during the COVID-19 pandemic.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/5/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/25/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/2/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>3/5/2021</i>

SENATE No. 45

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 45) of Harriette L. Chandler, Susan L. Moran, Andres X. Vargas, David M. Rogers and other members of the General Court for legislation to protect internet access during the COVID-19 pandemic. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act protecting internet access during the COVID-19 pandemic.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this act, the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:

3 “Broadband Internet Access Service”, means a mass-market retail service by wire or
4 radio provided to customers in Massachusetts that provides the capability to transmit data to and
5 receive data from all, or substantially all Internet endpoints, including but not limited to, any
6 capabilities that are incidental to and enable the operation of the communications service, but
7 excluding dial-up Internet access service. Broadband Internet Access Service also encompasses
8 any service provided to customers in Massachusetts that provides a functional equivalent of that
9 service or that is used to evade the protections set forth in this act.

10 “COVID-19 emergency”, also known as COVID-19, means the state of emergency
11 concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020.

12 “Data cap or allowance”, means a limit on, or a fee-based structure with the purpose of
13 limiting, the number of bits a consumer may download or upload during a period of time
14 specified by an Internet Service Provider.

15 “Internet Service Provider”, means all entities that provide Broadband Internet Access
16 Service to an individual, corporation, government, or other customer in Massachusetts, however
17 for the purposes of this act, Internet Service Provider shall not mean Mobile Internet Service
18 Provider and shall not include entities providing only cellular internet service to subscribers.

19 “Mobile Broadband Internet Access Service”, means a Broadband Internet Access
20 Service that serves end users primarily using mobile stations. Mobile Broadband Internet Access
21 Service includes, but is not limited to, Broadband Internet Access Services that use smartphones
22 or mobile-network-enabled tablets as the primary endpoints for connection to the Internet, as
23 well as mobile satellite broadband services. However, for the purposes of this act, Mobile
24 Broadband Internet Access Service shall not include hotspots provided to students for
25 educational purposes.

26 “Mobile Internet Service Provider”, means all entities that provide Mobile Broadband
27 Internet Access Service to an individual, corporation, government, or other customer in
28 Massachusetts.

29 “Subscribers”, means any existing and new customers of Broadband Internet Access
30 Service.

31 SECTION 2. (a) Notwithstanding any general or special law to the contrary, for the
32 duration of the COVID-19 emergency and 60 days thereafter, Internet Service Providers shall
33 not:

34 (1) increase the cost of any Broadband Internet Access Services for their subscribers;

35 (2) levy any new fees or charges related to Broadband Internet Access Services upon
36 their subscribers;

37 (3) impose new data caps or allowances onto their subscribers; or

38 (4) shut off Broadband Internet Access Service or services for subscribers that are unable
39 to pay overdue bill due to financial hardship caused by the COVID-19 emergency.

40 SECTION 3. For the duration of the COVID-19 emergency and 60 days thereafter, there
41 shall be a moratorium on any pre-existing data caps or allowances imposed by Internet Service
42 Providers.

43 SECTION 4. Mobile Internet Service Providers are exempt from the provisions in this
44 act.

45 SECTION 5. This act shall expire 60 days after the termination of the governor's March
46 10, 2020 declaration of a state of emergency. The governor may extend the provisions of this act
47 for a maximum of 180 days after the termination of the governor's March 10, 2020 declaration
48 of a state of emergency.

49 SECTION 6. Section 6A of chapter 25C of the General Laws is hereby repealed.