



Senate

General Assembly

File No. 182

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Substitute Senate Bill No. 3

Senate, April 2, 2024

The Committee on General Law reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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 access 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) on comparable terms and
62 conditions.

63 (c) No provision of this section shall be construed to (1) create a
64 private right of action against the 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 resident or household
119 described in subdivision (6) of subsection (a) of this section, during any
120 month in which such resident or household qualifies as an eligible
121 household, to immediately convert to affordable broadband Internet
122 access service provided by such qualified broadband Internet access
123 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 authorize a
173 deviation from the requirements established in subdivision (1) of this
174 subsection for the purpose of complying with applicable state or federal
175 law, except the commissioner shall not authorize any deviation from
176 such requirements to allow any affordable broadband Internet access
177 service provided pursuant to this section to provide speeds that are
178 slower than the speeds set forth in subparagraph (A) of subdivision (1)
179 of this subsection.

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

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

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

192 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
193 section:

194 (1) "Business" has the same meaning as provided in section 42-158ff
195 of the general statutes;

196 (2) "Consumer" means an individual who is (A) a prospective
197 recipient of consumer goods or consumer services, and (B) physically
198 present in this state at the time the individual purchases a consumer

199 good or consumer service;

200 (3) "Consumer good" has the same meaning as provided in section
201 42-158ff of the general statutes;

202 (4) "Consumer service" has the same meaning as provided in section
203 42-158ff of the general statutes; and

204 (5) "Deceptive fee" means any fee, charge or cost that (A) a consumer
205 is required to pay in order to purchase, lease or otherwise receive a
206 consumer good or consumer service, and (B) (i) is not displayed to the
207 consumer before the consumer good or service is selected for purchase,
208 or (ii) is intentionally obscured, unclear or misrepresented by a business
209 for the purpose of misleading a consumer.

210 (b) (1) Except as provided in subdivision (2) of this subsection, no
211 business that offers to sell, lease or otherwise provide a consumer good
212 or consumer service to a consumer shall:

213 (A) Advertise, display or otherwise offer the consumer good or
214 consumer service to the consumer at a price that excludes any fee,
215 charge or cost, other than any applicable federal, state or local tax, that
216 such consumer is required to pay in order to purchase, lease or
217 otherwise receive such consumer good or consumer service; or

218 (B) Require the consumer to pay any deceptive fee in order to
219 purchase, lease or otherwise receive the consumer good or consumer
220 service.

221 (2) The provisions of subdivision (1) of this subsection shall not be
222 construed to:

223 (A) Prohibit a business from imposing any fee, charge or cost for a
224 consumer good or consumer service, or omitting any fee, charge or cost
225 from any advertised, displayed or offered price for a consumer good or
226 consumer service, if such fee, charge or cost (i) is dependent on a
227 consumer's selections, (ii) cannot feasibly be calculated in full when the
228 price for such consumer good or consumer service is first advertised,

229 displayed or offered, and (iii) is disclosed to the consumer before the
230 consumer purchases the consumer good or consumer service;

231 (B) Impose any liability on a business that is engaged in the business
232 of facilitating motor vehicle rentals or occupancy in hotel or motel guest
233 rooms for any consumer transaction in which (i) such business facilitates
234 a motor vehicle rental or occupancy in a hotel or motel guest room, and
235 (ii) the person providing such motor vehicle rental or occupancy in such
236 hotel or motel guest room imposes a fee, charge or cost without the
237 knowledge of such business; or

238 (C) Apply to any transaction or action otherwise permitted under law
239 as administered by any regulatory board or officer acting under
240 statutory authority of the state or of the United States.

241 (c) Any violation of subsection (b) of this section shall be deemed an
242 unfair or deceptive trade practice under subsection (a) of section 42-110b
243 of the general statutes.

244 (d) The Department of Consumer Protection shall:

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

247 (2) Within available appropriations, develop, establish and maintain
248 a publicly accessible online portal for the purpose of notifying
249 consumers of the violations described in subdivision (1) of this
250 subsection.

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

252 (1) "Covered foreign entity" means (A) any person that is included in
253 (i) the Consolidated Screening List maintained by the United States
254 Department of Commerce, United States Department of State and
255 United States Department of Treasury, or (ii) the Entity List,
256 Supplement 4 to 15 CFR Part 744, as amended from time to time, (B) the
257 People's Republic of China, the Russian Federation and any
258 governmental subdivision, agency or instrumentality thereof, (C) any

259 person domiciled in the People's Republic of China or the Russian
260 Federation, (D) any person under the control or influence of the People's
261 Republic of China or the Russian Federation, and (E) any affiliate or
262 subsidiary of any foreign government or person described in
263 subparagraphs (A) to (D), inclusive, of this subdivision;

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

267 (3) "Public entity" means (A) the state of Connecticut, any state
268 agency, as defined in section 1-79 of the general statutes, any
269 municipality within this state and any political subdivision of this state,
270 and (B) any person that enters into a contract with the state or any state
271 agency, municipality or political subdivision described in subparagraph
272 (A) of this subdivision; and

273 (4) "Small unmanned aircraft system" (A) means any unmanned
274 powered aircraft that (i) is operated without the possibility of direct
275 human intervention from within or on the aircraft, and (ii) weighs less
276 than fifty-five pounds including anything attached to or carried by the
277 aircraft, and (B) includes (i) all elements that (I) are associated with the
278 aircraft described in subparagraph (A) of this subdivision, and (II) are
279 required for the operator to operate the aircraft described in
280 subparagraph (A) of this subdivision safely and efficiently in the
281 national airspace system, and (ii) any communication links and
282 components that control the aircraft described in subparagraph (A) of
283 this subdivision.

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

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

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

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

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

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

296 (A) The person seeking such waiver submits to the Office of Policy
297 and Management, in a form and manner prescribed by the Secretary of
298 the Office of Policy and Management, (i) an application specifying the
299 need for such waiver, and (ii) an application fee in the amount of forty
300 dollars; and

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

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

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

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

317 (2) The Office of Policy and Management shall adopt rules specifying
318 requirements concerning the comprehensive plans required under
319 subparagraph (A) of this subdivision.

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

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

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

329 (2) "Connected device manufacturer" means the person who
330 manufactures a connected device;

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

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

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

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

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

345 (8) "Voice recognition feature" means any function of a connected
346 device that enables the connected device to collect, record, store,
347 analyze, interpret, transmit or otherwise use any spoken word or other
348 sound.

349 (b) No provider shall allow any person to activate any voice
350 recognition feature of a connected device unless the provider
351 prominently displays to the initial consumer or any person whom the
352 initial consumer designates to first install or set up the connected device,
353 at the time that such initial consumer or person first installs or sets up
354 such connected device, a statement disclosing:

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

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

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

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

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

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

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

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

373 (d) No connected device manufacturer, or person who enters into a
374 contract with a connected device manufacturer, shall use or sell any
375 recording collected through operation of a voice recognition feature for
376 advertising purposes.

377 (e) No person shall compel a connected device manufacturer, or any

378 other person operating a voice recognition feature, to build specific
379 features for the purpose of allowing a law enforcement agency or officer
380 to monitor communications through a voice recognition feature.

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

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

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

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

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

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

398 (1) "Broadband Internet access service" (A) means a mass-market
399 retail service that, by wire or radio, provides the capability to transmit
400 data to, and receive data from, all or substantially all Internet endpoints,
401 including, but not limited to, any capability that is incidental to, and
402 enables the operation of, such service, (B) includes any service that is (i)
403 provided to customers in this state and functionally equivalent to the
404 service described in subparagraph (A) of this subdivision, or (ii) used to
405 evade the requirements established in this section, and (C) excludes
406 dial-up Internet access service;

407 (2) "Broadband Internet access service provider" means any person

408 who provides broadband Internet access service in this state;

409 (3) "Commissioner" means the Commissioner of Consumer
410 Protection;

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

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

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

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

419 (8) "Fixed broadband Internet access service" (A) means any
420 broadband Internet access service that services end users primarily at
421 fixed endpoints by using stationary equipment, and (B) includes, but is
422 not limited to, any fixed wireless service, fixed unlicensed wireless
423 service or fixed satellite service;

424 (9) "Mobile broadband Internet access service" means any broadband
425 Internet access service that serves end users primarily by using mobile
426 stations;

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

429 (11) "Paid prioritization" means the management of a broadband
430 Internet access service provider's network to, directly or indirectly,
431 favor some content or traffic over other content or traffic, including, but
432 not limited to, through use of techniques such as traffic shaping,
433 prioritization, resource reservation or any other form of preferential
434 content or traffic management, (A) in exchange for monetary or other
435 consideration from a third party, or (B) to benefit any entity affiliated
436 with the broadband Internet access service provider;

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

439 (13) "Reasonable network management practice" means any network
440 management practice that (A) is primarily justified as technical network
441 management, or (B) the Commissioner of Consumer Protection
442 determines is primarily used for, and tailored to, achieving a legitimate
443 network management purpose, taking into account the particular
444 network architecture and technology of the broadband Internet access
445 service.

446 (b) Not later than January 1, 2026, the Department of Consumer
447 Protection shall develop a procedure by which a broadband Internet
448 access service provider who is engaged in the business of providing any
449 fixed broadband Internet access service or mobile broadband Internet
450 access service in this state shall submit to the department, at least
451 annually and in a form and manner prescribed by the Commissioner of
452 Consumer Protection, a registration and certification that such
453 broadband Internet access service provider is in compliance with the
454 requirements established in subsection (c) of this section.

455 (c) Beginning on April 1, 2026, the Commissioner of Consumer
456 Protection shall issue a certificate of net neutrality compliance to any
457 broadband Internet access service provider who submits to the
458 Department of Consumer Protection the registration and certification
459 required under subsection (b) of this section if such broadband Internet
460 access service provider demonstrates, and the commissioner finds, that
461 such broadband Internet access service provider:

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

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

466 (B) Impairing or degrading lawful Internet traffic on the basis of
467 content, or the use of any nonharmful device, subject to reasonable

468 network management practices that such broadband Internet access
469 service provider has disclosed to consumers;

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

472 (D) Except for any interference caused by a reasonable network
473 management practice, unreasonably interfering with or unreasonably
474 disadvantaging:

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

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

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

483 (2) Publicly discloses to consumers accurate information concerning
484 such broadband Internet access service provider's network
485 management practices, performance and the commercial terms of such
486 broadband Internet access service provider's broadband Internet access
487 services, which disclosure shall be sufficient for:

488 (A) A consumer to make an informed decision regarding the
489 consumer's use of such broadband Internet access services; and

490 (B) A developer of content, or a device provider, to develop, market
491 and maintain Internet offerings.

492 (d) Any end user of broadband Internet access service may file a
493 complaint with the Department of Consumer Protection alleging
494 noncompliance with the provisions of this section. Upon receipt of any
495 such complaint, the department shall record such complaint and may,
496 based on such complaint, initiate a review of the performance of a

497 broadband Internet access service provider engaged in the provision of
498 fixed broadband Internet access service or mobile broadband Internet
499 access service. The Commissioner of Consumer Protection, or the
500 commissioner's designee, upon a finding that any such broadband
501 Internet access service provider failed to comply with the net neutrality
502 principles established in subsection (c) of this section, shall conduct a
503 hearing, which shall be conducted as a contested case in accordance
504 with chapter 54 of the general statutes, and after such hearing shall issue
505 orders to enforce the provisions of this section. The commissioner or the
506 commissioner's designee may assess against such broadband Internet
507 access service provider a civil penalty in the amount of not more than
508 ten thousand dollars for each violation of the provisions of this section.

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

516 (f) Nothing in this section shall be construed as superseding or
517 limiting any existing obligation or authorization of a broadband Internet
518 access service provider engaged in the provision of fixed or mobile
519 broadband Internet access services to address the needs of emergency
520 communications, law enforcement, public safety or national security
521 authorities, consistent with or as permitted by applicable law. Nothing
522 in this section shall be construed to prohibit reasonable efforts by a
523 broadband Internet access service provider engaged in the provision of
524 fixed or mobile broadband Internet access services to address copyright
525 infringement or other unlawful activity.

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

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

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

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

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

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

540 (b) No streaming service provider shall charge a subscriber for any
541 streaming service after the date on which such subscriber requests to
542 cancel such streaming service. If the subscriber makes such request
543 before the last day of the monthly billing period for such streaming
544 service, the streaming service provider shall provide to the subscriber a
545 pro rata rebate for all days of the monthly billing period after the date
546 on which the subscriber made such request.

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

549 (1) "Antenna" includes, but is not limited to, any resonant device that
550 is designed especially for the purpose of capturing electromagnetic
551 energy transmitted by direct satellite or commercial radio or television
552 broadcasting facilities;

553 (2) "Authorized repair provider" (A) means a person who (i) is
554 unaffiliated with a manufacturer, and (ii) has an arrangement with a
555 manufacturer (I) under which the manufacturer grants to the person a
556 license to use a trade name, service mark or other proprietary identifier
557 to offer diagnostic, maintenance or repair services for electronic or
558 appliance products under the manufacturer's name, or (II) to offer
559 diagnostic, maintenance or repair services for electronic or appliance

560 products on behalf of the manufacturer, and (B) includes a
561 manufacturer, with respect to any of such manufacturer's electronic or
562 appliance products, if the manufacturer (i) offers diagnostic,
563 maintenance or repair services for such product, and (ii) does not have
564 an arrangement with an unaffiliated person to diagnose, maintain or
565 repair such product;

566 (3) "Documentation" means any electronic or appliance product
567 diagram, manual, reporting output, schematic, service code description
568 or similar information that a manufacturer provides to an authorized
569 repair provider or, if the manufacturer does not have an authorized
570 repair provider, the manufacturer uses for the purpose of diagnosing,
571 maintaining or repairing an electronic or appliance product;

572 (4) "Electronic or appliance product" or "product" (A) means any
573 antenna, electronic set, major home appliance or rotator (i) that is
574 manufactured for the first time, and first sold or used in this state, on or
575 after January 1, 2025, and (ii) for which the manufacturer makes
576 documentation, parts and tools available to an authorized repair
577 provider, (B) includes, but is not limited to, any item set forth in
578 subparagraph (A) of this subdivision that is sold through any method
579 other than a direct retail sale, and (C) does not include any (i) alarm
580 system, as defined in section 29-6c of the general statutes, (ii) motor
581 vehicle, as defined in section 13b-387 of the general statutes, or any
582 component used to maintain, manufacture or repair any motor vehicle,
583 or (iii) video game console;

584 (5) "Electronic set" includes, but is not limited to, any audio or video
585 recorder or playback equipment, computer system, facsimile machine,
586 photocopier, radio, television, video camera or video monitor that is
587 normally used or sold for personal, family, household or home office
588 use;

589 (6) "Fair and reasonable terms" means terms that satisfy the
590 requirements established in subdivision (3) of subsection (b) of this
591 section;

592 (7) "Manufacturer" means the person who manufactures an electronic
593 or appliance product;

594 (8) "Major home appliance" includes, but is not limited to, any
595 dishwasher, dryer, freezer, microwave oven, range, refrigerator, room
596 air conditioner, trash compactor or washer that is normally used or sold
597 for personal, family, household or home office use;

598 (9) "Part" means any replacement component or assembly of
599 components, either new or used, which the manufacturer of an
600 electronic or appliance product makes available to an authorized repair
601 provider to facilitate the maintenance or repair of such product;

602 (10) "Person" means an individual, association, corporation, limited
603 liability company, partnership, trust or other legal entity;

604 (11) "Rotator" includes, but is not limited to, an electromechanical
605 device, used in connection with an antenna installation or repair, that is
606 operated from a remote location to rotate an antenna on a horizontal
607 plane;

608 (12) "Tool" (A) means any hardware implement, software program or
609 other apparatus that the manufacturer of an electronic or appliance
610 product makes available to an authorized repair provider for the
611 diagnosis, maintenance or repair of such product, and (B) includes, but
612 is not limited to, (i) any software or other mechanism that provisions,
613 programs, pairs a part, provides or calibrates functionality or performs
614 any other function necessary to repair an electronic or appliance
615 product, or a part thereof, and return such product or part to its fully
616 functional condition, and (ii) any update to any software or mechanism
617 described in subparagraph (B)(i) of this subdivision;

618 (13) "Trade secret" has the same meaning as provided in section 35-
619 51 of the general statutes; and

620 (14) "Video game console" (A) means any computing device,
621 including, but not limited to, any console machine, handheld console
622 device or similar device or system, that is primarily used by consumers

623 to play video games, (B) includes, but is not limited to, the components
624 and peripherals of any computing device described in subparagraph (A)
625 of this subdivision, and (C) does not include any (i) general or all-
626 purpose computing device, (ii) desktop, laptop or tablet computer, or
627 (iii) hand-held mobile telephone, as defined in section 14-296aa of the
628 general statutes.

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

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

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

645 (2) The time periods set forth in subparagraphs (A) and (B) of
646 subdivision (1) of this subsection shall apply regardless of whether such
647 time periods exceed the term of any warranty period for the electronic
648 or appliance product.

649 (3) (A) For the purposes of subdivision (1) of this subsection and
650 except as provided in subparagraph (B) of this subdivision, the
651 manufacturer of an electronic or appliance product shall be deemed to
652 have made documentation, functional parts and tools available on fair
653 and reasonable terms if:

654 (i) Such manufacturer makes such documentation, parts and tools
655 available at costs and on terms that are equivalent to the most favorable
656 costs and terms under which such manufacturer offers such
657 documentation, parts and tools to authorized repair providers,
658 accounting for any discount, rebate, convenient and timely means of
659 delivery, means of enabling fully restored and updated functionality,
660 rights of use or other incentive or preference such manufacturer offers
661 to authorized repair providers;

662 (ii) For documentation, such manufacturer makes such
663 documentation, including any relevant updates thereto, available at no
664 charge, except such manufacturer may impose a charge for the
665 reasonable actual costs incurred by such manufacturer in preparing and
666 sending a physical printed version of such documentation to an owner,
667 service and repair facility or service dealer if the owner, service and
668 repair facility or service dealer requests a physical printed version of
669 such documentation; and

670 (iii) For tools, such manufacturer makes such tools available at no
671 charge and without imposing any impediment to access or use such
672 tools to diagnose, maintain or repair and enable full functionality of
673 such product, or in a manner that does not impair the efficient and cost-
674 effective performance of any such diagnosis, maintenance or repair,
675 except such manufacturer may impose a charge for the reasonable
676 actual costs incurred by such manufacturer in preparing and sending
677 such tools to an owner, service and repair facility or service dealer in
678 physical form if the owner, service and repair facility or service dealer
679 requests such tools in physical form.

680 (B) If a manufacturer does not use an authorized repair provider, the
681 manufacturer of an electronic or appliance product shall be deemed to
682 have made documentation, functional parts and tools available on fair
683 and reasonable terms if such manufacturer makes such documentation,
684 parts and tools available at a price that reflects the actual costs incurred
685 by such manufacturer in preparing and delivering such documentation,
686 parts and tools, excluding any research and development costs.

687 (c) If a service dealer or service and repair facility is not an authorized
688 repair provider for an electronic or appliance product, the service dealer
689 or service and repair facility shall, before repairing any such product,
690 provide to the customer who requests such repair a written notice
691 disclosing:

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

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

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

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

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

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

706 (2) The provisions of subdivision (1) of this subsection shall not apply
707 to any design defect or manufacturing flaw that existed prior to, or
708 independent of, any diagnosis, maintenance, modification or repair
709 described in said subdivision.

710 (e) No provision of subsections (a) to (d), inclusive, of this section
711 shall be construed to:

712 (1) Require the manufacturer of an electronic or appliance product to
713 (A) disclose any trade secret, or license any intellectual property,
714 including, but not limited to, any copyright or patent, unless such
715 disclosure or license is necessary for such manufacturer to comply with

716 the provisions of this section, (B) make available any special
717 documentation, tools or parts that would disable or override antitheft
718 security measures set by the owner of any such product without such
719 owner's authorization, or (C) sell any part if such manufacturer no
720 longer (i) provides such part, or (ii) makes such part available to
721 authorized repair providers;

722 (2) Require any manufacturer of an electronic or appliance product
723 that is an authorized repair provider within the meaning of
724 subparagraph (B) of subdivision (2) of subsection (a) of this section to
725 make available any documentation or tools that (A) such manufacturer
726 exclusively uses to perform, at no cost to customers, remote diagnostic
727 services, including, but not limited to, remote diagnostic services
728 performed by way of the Internet, electronic mail or any chat function
729 or telephonic means, that do not require such manufacturer to
730 physically handle a customer's electronic or appliance product, unless
731 such manufacturer also makes such documentation or tools available to
732 any person who is unaffiliated with such manufacturer, or (B) are
733 exclusively used by machines that simultaneously repair several
734 electronic or appliance products, provided such manufacturer makes
735 available to the owners of such product, service and repair facilities and
736 service dealers sufficient alternative documentation and tools to
737 diagnose, maintain or repair such product;

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

740 (4) Apply to the manufacturer of an electronic or appliance product
741 if such manufacturer provides to a customer, at no charge to the
742 customer, a replacement electronic or appliance product that is readily
743 available and equivalent to, or better than, the replaced electronic or
744 appliance product.

745 (f) A violation of this section shall be deemed an unfair or deceptive
746 trade practice under subsection (a) of section 42-110b of the general
747 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 Legislative Commissioners:

In Section 1(b)(5)(B), "upon" was changed to "on" for clarity; in Section 1(c)(1), "this state" was changed to "the state" for internal consistency; Section 2(b)(2)(A) was redrafted for clarity and internal consistency; in Section 2(c)(2), "may modify" was changed to "may authorize a deviation from", and "shall not modify" was changed to "shall not authorize any deviation from" for accuracy; Section 2(e) was redrafted for clarity; in Section 3(b)(1)(A), "or" was added after the semicolon for clarity; in Section 6(a)(8)(B), "and fixed satellite service" was changed to "or fixed satellite service" for accuracy; Section 6(c)(1)(E) was redrafted for clarity; in Section 6(c)(2)(A), "informed choices" was changed to "an informed decision" for consistency with standard drafting conventions; in Section 8(b)(3)(A), "if" was added after "terms" for clarity; in Sections 8(b)(3)(A)(i) to (iii), "if" was deleted for clarity; and Section 8(e) was redrafted for clarity.

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Consumer Protection, Dept.	GF - Cost	490,000	478,000
Policy & Mgmt., Off.	GF - Cost	358,600	253,300
State Comptroller - Fringe Benefits ¹	GF - Cost	301,000	301,000
Various State Agencies	Various - Cost	None	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund; Various=Various

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Cost	Minimal	Minimal
Various Municipal Police Departments	STATE MANDATE ² - Cost	None	See Below

Explanation

The bill makes various changes to consumer protection statutes resulting in the costs and revenue gains described below.

The bill requires the Department of Consumer Protection (DCP) to

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

² State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

establish and administer the Net Equality Program and regulate the broadband internet market resulting in costs to DCP and the State Comptroller. To meet the requirements of the bill DCP will need to hire six new employees³ for a salary and other expenses cost of \$490,000⁴ in FY 25 and \$478,000 in FY 26, along with corresponding fringe benefit costs of \$197,000 per year. The agency does not have expertise in this area and the new employees are needed to develop procedures and a regulatory framework for the market, monitor compliance, receive and investigate complaints, and enforce any unfair trade practice violations.⁵

Section 4 results in a cost to the Office of Policy and Management (OPM) beginning in FY 25 for personnel, training and supplies, and a consultant. The section also results in a minimal potential revenue gain to OPM and corresponding minimal potential cost to municipalities beginning in FY 25. Lastly, there is a cost to various state and municipal agencies starting in FY 26.

The section places various requirements on OPM regarding any public entity's use of small, unmanned aircraft systems beginning in FY 25. This results in a cost to OPM of approximately \$253,300 in both FY 25 and FY 26 for three additional positions and training and supplies, a one-time cost of \$5,300 for equipment in FY 25, and a one-time cost of \$100,000 for a consultant in FY 25. There is also a corresponding cost to the Office of the State Comptroller of \$104,000 in both FY 25 and FY 26 for associated fringe benefits.

The section also requires public entities that (1) are seeking a waiver of the prohibitions on small, unmanned aircraft systems to submit an application and an application fee of \$40 to OPM and (2) are operating these aircraft systems to submit a plan to discontinue operation and a processing fee of \$20. This results in a potential cost to various municipalities that use these small, unmanned aircraft systems for

³The new employees consist of four special investigators and two staff attorneys.

⁴The cost is higher in FY 25 due to one-time other expenses costs (i.e. laptops) for the six new employees.

⁵ The bill creates three new unfair trade practice violations.

waiver and processing fees and a corresponding revenue gain to OPM beginning in FY 25.

Section 4 also results in a cost to various state and municipal agencies starting in FY 26 by prohibiting public entities from operating drones assembled or manufactured in China or Russia, resulting. Most drones currently used by first responder organizations are made in China. State-wide, such organizations have spent about \$1-2 million on drones this bill prohibits. The cost of replacing these drones to achieve equivalent capabilities is estimated to be two to three times greater than amounts previously spent.

Section 6 allows DCP to assess a civil penalty of up to \$10,000 for violations by broadband internet access service providers resulting in a potential revenue gain to the state to the extent violations occur and civil penalties are assessed.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to employee wage increases and the number of violations.

OLR Bill Analysis**sSB 3*****AN ACT CONCERNING CONSUMER PROTECTION.***

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Requires (1) connected device providers (e.g., cellular phone manufacturers) to prominently display and disclose certain information about the device’s voice recognition feature before activating the feature and (2) anyone who records and transmits any personally identifying information collected through a connected device’s microphone to use reasonable security measures; deems a violation a CUTPA violation

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Prohibits a streaming service provider from charging a subscriber for any streaming service after the date the subscriber cancels the service and requires the provider to give a pro rata rebate for unused days after cancellation

§ 8 — RIGHT-TO-REPAIR

Requires certain electronic or appliance manufacturers to make available, on fair and reasonable terms, products' repair manuals, functional parts, and tools; deems a violation a CUTPA violation

BACKGROUND

SUMMARY

This bill makes various unrelated changes to consumer protection. Among other things, it:

1. declares it the public policy of the state to ensure (a) digital equity for all residents and (b) that all residents have access to broadband Internet access service that meets specified criteria (§ 1);
2. requires the Department of Consumer Protection (DCP) to develop, establish, and administer the Net Equality Program (§ 2);
3. prohibits businesses that offer to sell, lease, or provide consumer goods or services to consumers from advertising, displaying, or offering them for a price that does not include all fees, charges, or costs, excluding applicable taxes (§ 3);
4. generally prohibits, beginning on October 1, 2024, a public entity from purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia) and then beginning October

-
- 1, 2025, prohibits their operation (§ 4);
 5. establishes requirements on entities that provide, or collect information from, voice recognition features on Internet-connected devices that have microphones (e.g., cellular telephones) (§ 5);
 6. requires DCP to develop, by January 1, 2026, a procedure through which a broadband Internet access service provider that provides fixed or mobile broadband Internet access service in the state must submit to DCP, at least annually, a registration and certification that the provider complies with the bill's net neutrality principles (§ 6);
 7. prohibits a streaming service provider from charging a subscriber after cancellation and requires the provider to give a pro rata rebate for unused days (§ 7); and
 8. requires certain electronic or appliance manufacturers to make available, on fair and reasonable terms, products' repair manuals, functional parts, and tools (§ 8).

EFFECTIVE DATE: Various; see below.

§ 1 — PUBLIC POLICY ON BROADBAND INTERNET ACCESS

Declares the state's public policy for digital equity and broadband Internet access

This bill declares it the public policy of the state to ensure (1) digital equity for all residents and (2) that all residents have access to broadband Internet access service that meets specified criteria. By law, "digital equity" is when all individuals and communities have the information technology capacity to participate in society, democracy, and the state's economy (CGS § 16-330a).

Under this declared public policy, the broadband Internet access service available to residents must do the following:

1. be sufficient, reliable, and fast enough to facilitate economic prosperity, education, government, healthcare, and public safety;

2. be commonly available everywhere in the state and on tribal land;
3. be affordable regardless of a resident's household income or location in the state;
4. provide educational opportunities and support digital skills proficiency to ensure residents have access to opportunities to thrive in a digital world;
5. ensure public safety and assure residents that they have reliable access to emergency response and emergency alert system services in the event of emergencies or disasters;
6. improve residents' quality of life by advancing their economic status through access to educational, health care, and new job opportunities;
7. support economic prosperity by ensuring that all entrepreneurs, workers, businesses, employers, enterprises, and start-ups have access to broadband Internet access service that optimizes the value of their contributions to the economy so that Connecticut remains economically competitive on the global stage;
8. attract capital investment to the state;
9. support innovation and research in Connecticut by ensuring that broadband Internet infrastructure connects all research intuitions in the state to sustain world-class research and innovation that drives economic prosperity; and
10. empower and enable participation in the democratic process so that all residents can participate in government, online educational opportunities, and telehealth activities for their quality of life and public safety.

The bill also declares the following as the public policy of the state:

1. determining minimum speeds for broadband Internet access

- service should be performance based to support online educational opportunities, telehealth, and remote work by a majority of households simultaneously, with the assumption that there is an increasing need for symmetrical network speeds;
2. public broadband investments are prioritized to connect entire communities and address digital redlining in historically unserved and underserved communities; and
 3. to the extent technically feasible, allow all broadband Internet access service subscribers, within a service provider's territory, to be able to subscribe to a service with comparable (to other subscribers) capacities, latency, speeds, and quality-of-service metrics and on comparable terms and conditions.

The bill specifies that it does not create a private right of action against the state to enforce any of the above provisions or oblige the state to enforce any of them.

EFFECTIVE DATE: Upon passage

§ 2 — NET EQUALITY PROGRAM

Requires DCP to develop, establish, and administer the Net Equality Program; prohibits most state agencies from doing business with noncompliant service providers

The bill requires DCP to develop, establish, and administer the Net Equality Program. The program must monitor progress toward meeting the objectives of ensuring that at least (1) 90% of eligible households receive affordable broadband Internet access service (i.e., affordable broadband) by January 1, 2025, and (2) 95% of eligible households receive affordable broadband by January 1, 2028.

Definitions

Under the bill, “affordable broadband Internet access service” is broadband Internet access service that can transmit and receive data from an Internet endpoint in a household, costs no more than \$40 per month, and meets minimum speed requirements (generally, 25 megabits per second (MPS) download speed and 3 MPS upload speed).

“Eligible household” means a (1) resident of a group home or congregate care facility that participates in a qualified public assistance program and (2) household in which at least one resident participates in a qualified public assistance program, that are located in a qualified broadband Internet access service provider’s territory in the state.

“Qualified public assistance program” includes the following Department of Social Services programs: low-income home energy assistance, temporary assistance for needy families, and supplemental nutrition assistance programs, state supplemental security income program, Husky Health (e.g., Medicaid). It also includes the Covered Connecticut health insurance program, the National School Lunch Program, and any program that provides need-based financial aid for post-secondary education.

Program Requirements

The bill requires each qualified broadband Internet service provider (i.e., a provider that does business in the state and with any state agency) to do the following:

1. beginning on October 1, 2024, allow any eligible household to immediately convert to affordable broadband during any month in which the household qualifies for it;
2. by October 1, 2024, establish and maintain a telephone number that eligible households may use to contact trained personnel to sign up for affordable broadband within 30 minutes after the start of the call;
3. by December 31, 2024, and then annually, hold a public meeting with key stakeholders to (1) explore options to establish and advance strategic and effective public-private partnerships and (2) ensure that at least 90% of eligible households receive affordable broadband by January 1, 2025, and at least 95% of them receive it by January 1, 2028;
4. by April 1, 2025, and then annually, submit to DCP a report

disclosing the (1) number of eligible households that signed up for affordable broadband from the provider during the reporting year and (2) total number of eligible households that received affordable broadband from the provider during the reporting year; and

5. by October 1, 2024, place advertisements with public and nongovernmental organizations, in print and online in multiple languages, the availability of (1) affordable broadband from the provider and (2) the Federal Communication Commission's (FCC) Affordable Connectivity Program or an equivalent program the FCC offers.

Under the bill, each advertisement required must include the telephone number eligible households may use to contact trained personnel to sign up for affordable broadband within 30 minutes following the start of the call.

Additionally, the bill allows each qualified provider to stop the advertisements if a reputable statewide survey demonstrates that at least (1) 80% of eligible households are aware that affordable broadband is available or (2) 95% of eligible households are connected to the Internet at home.

Service Speeds

The bill requires that all affordable broadband provided under the bill's provisions provide, at minimum, 25 MPS download speed and 3 MPS upload speed. In all cases, service speeds and latency must be sufficient to support distance learning and telehealth services.

The bill allows the DCP commissioner to approve a deviation from the service speed requirements to comply with applicable state or federal law. However, it prohibits him from approving any deviation that would provide affordable broadband service speeds that are slower than 25 MPS download and 3 MPS upload speeds.

Conducting Business With State Agencies

The bill generally prohibits state agencies, beginning October 1, 2024, from doing business, or entering into procurement contracts, with a broadband Internet access service provider doing business in the state unless the provider offers affordable broadband to eligible households as required by the bill. Under the bill, “state agency” is any office; department; board; council; commission; institution; constituent unit of the state’s higher education system; technical education and career school; or other executive, legislative, or judicial branch agency.

The bill states that it does not impair any contract that exists on October 1, 2024. Further, it exempts the Department of Emergency Services and Public Protection from this restriction.

EFFECTIVE DATE: July 1, 2024

§ 3 — TOTAL PRICE DISCLOSURE

Requires businesses advertising, displaying, or offering any consumer good or consumer service in the state to include all fees, charges, and costs, other than taxes, in the total price, and prohibits deceptive fees

Total Price Disclosure

The bill prohibits businesses that offer to sell, lease, or provide consumer goods or services to consumers from advertising, displaying, or offering them for a price that does not include all fees, charges, or costs, excluding applicable taxes. It also prohibits businesses from requiring consumers to pay deceptive fees to purchase, lease, or receive consumer goods or services.

Under the bill, a “deceptive fee” is a fee, charge, or cost that (1) a consumer must pay to purchase, lease, or receive a consumer good or service and (2) is not displayed to the consumer before the good or service is selected or is intentionally obscured, unclear, or misrepresented to mislead a consumer.

Exceptions

However, the bill does not prohibit businesses from imposing or omitting fees, charges, or other costs on the advertised, displayed, or offered price of consumer goods or services if the additional cost:

1. depends on a consumer's selection;
2. cannot feasibly be calculated in full when the price is first advertised, displayed, or offered; and
3. is disclosed to the consumer before the consumer purchases the good or service.

Additionally, the bill states that it does not impose liability on businesses that facilitate motor vehicle rentals or hotel or motel guest room occupancy (e.g., third-party online reservation services) for any consumer transactions if the (1) business facilitates a motor vehicle rental or hotel or motel occupancy and (2) person providing the rental or occupancy imposes a fee, charge, or cost without the facilitating business's knowledge.

The bill's total price disclosure requirement also does not apply to any transactions or actions permitted under state or federal law, as administered by regulatory boards or officers acting under statutory authority.

Tracking and Disclosing Violations

The bill requires DCP to (1) maintain a record of each violation of the total price disclosure requirement that it has knowledge of and (2) within available appropriations, develop, establish, and maintain a publicly accessible online portal to notify consumers of the violations.

Penalty

Under the bill, a violation of the total price disclosure requirement is an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2024

§ 4 — DRONES FROM CERTAIN FOREIGN ENTITIES PROHIBITED

Generally prohibits, beginning on October 1, 2024, a public entity from purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia); beginning October 1, 2025, prohibits public entities from operating these drones

The bill generally prohibits, beginning on October 1, 2024, a public entity from purchasing a small unmanned aircraft system (i.e., drone) assembled or manufactured by a covered foreign entity. (It specifies this prohibition does not impair any contract entered before this date.) Beginning on the same date, the bill also prohibits state funds, including contract, cooperative agreement, or grant funding, from being used to purchase, operate, or repair them.

The bill prohibits, beginning October 1, 2025, public entities from operating these drones.

Covered Entities and Drones

Under the bill, a “public entity” means (1) the state of Connecticut, any state agency, municipality, and any political subdivision of the state, and (2) any person that contracts with these entities.

A “person” means any individual, association, corporation, limited liability company, partnership, trust, government, governmental subdivision, agency, instrumentality, or other legal entity.

A “covered foreign entity” means:

1. any person on the federal Consolidated Screening List or Entity List (15 C.F.R. Part 744, Supp. 4);
2. the People’s Republic of China, the Russian Federation, and any of their governmental subdivisions, agencies, or instrumentalities;
3. any person domiciled in, or under the control or influence of, these countries; and
4. any affiliate or subsidiary of any foreign government or person described above.

A “small unmanned aircraft system” (drone) means any unmanned, powered aircraft weighing less than 55 pounds, including anything attached to or carried by it, that is operated without the possibility of

direct human intervention from within or on the aircraft. It also includes all (1) elements associated with the aircraft, (2) elements required for the operator to operate the aircraft safely and efficiently in the national airspace system, and (3) communication links and components that control the aircraft.

Waiver

The bill allows the Office of Policy and Management (OPM) secretary to waive the purchase and funding prohibitions, but not the operating prohibition, if:

1. the person seeking the waiver submits an application specifying the need for the waiver and a \$40 application fee and
2. the secretary reviews the application and decides the waiver is needed due to exigent circumstances, to counter another drone, or for criminal investigation purposes.

He must then submit notice of the waiver and the reasons for it to the General Law Committee.

Plan to Discontinue

The bill requires, by October 1, 2024, any public entity that operates a drone assembled or manufactured by a covered entity to submit to OPM, in a secretary-prescribed way, a (1) comprehensive plan to discontinue drone operations and (2) \$20 processing fee.

Under the bill, OPM must adopt rules specifying the comprehensive plan requirements.

EFFECTIVE DATE: July 1, 2024

§ 5 — VOICE RECOGNITION FEATURE DISPLAYS AND DISCLOSURES

Requires (1) connected device providers (e.g., cellular phone manufacturers) to prominently display and disclose certain information about the device's voice recognition feature before activating the feature and (2) anyone who records and transmits any personally identifying information collected through a connected device's microphone to use reasonable security measures; deems a violation a CUTPA violation

The bill establishes requirements for certain entities that provide, or collect information from, voice recognition features on an Internet-connected device that has a microphone (“device”) (e.g., a cellular telephone, computer, home appliance, motor vehicle, tablet, television, toy, or video game console). It specifies information they must disclose to consumers and measures they must take to protect personally identifiable information. It also prohibits, among other things, requiring device manufacturers to build features that allow law enforcement to monitor communications through voice recognition features.

The bill makes any violation of its requirements or prohibitions a CUTPA violation.

Displays

The bill requires device providers (e.g., manufacturers or sellers) to prominently display certain information about a device’s voice recognition feature when the initial consumer, or someone on the consumer’s behalf, first sets up the device. If they do not display this information, providers may not allow consumers to activate the device’s voice recognition feature (i.e., a function that enables the device to collect, record, store, analyze, interpret, transmit, or otherwise use any spoken word or other sound). A “provider” is an individual or legal entity doing business in this state, including a manufacturer, who sells, leases, or otherwise provides a device to the initial consumer.

The bill requires these providers to display a statement disclosing the following:

1. the connected device includes a microphone that will be enabled or turned on,
2. the device might record the consumer,
3. the device or device’s manufacturer might retain recordings,
4. commands or actions that activate or enable the microphone,
5. the categories of sounds that (a) the microphone will listen for or

record or (b) might be disclosed to a person other than the consumer, and

6. the categories of individuals to whom the sounds may be disclosed.

Personally Identifying Information

The bill requires anyone who records and transmits any personally identifying information collected through a device's microphone to use and maintain reasonable security measures to protect the information from any unauthorized access, acquisition, destruction, disclosure, modification, or use.

Under the bill, "personally identifying information" is an individual's birthday, mother's maiden name, driver's license number, Social Security number, health insurance identification number, financial account number, security code or personal identification number, or government-issued identification number that is not otherwise made directly available to the public.

Existing law similarly requires anyone who possesses another person's personal information to safeguard it from misuse by third parties. Willful violators may be subject to civil penalties of \$500 for each violation, up to \$500,000 for any single event (CGS § 42-471).

Prohibitions

The bill prohibits device manufacturers or their contractors from using or selling any recordings collected through a voice recognition feature for advertising purposes.

The bill also prohibits anyone from compelling a device manufacturer, or any other person operating the voice recognition feature, to build specific features to allow a law enforcement agency or officer to monitor communications through the feature.

The bill also specifies that it does not:

1. impose any liability on a device manufacturer for any application

functions that an initial consumer (a) downloads and installs or (b) chooses to use on a network of remote servers hosted on the Internet to store, manage, and process data;

2. authorize disclosure of any recording retained by a manufacturer to another person, including a law enforcement agency or officer, unless another law or a court order authorizes it; or
3. modify, limit, or supersede any other privacy or security law.

EFFECTIVE DATE: October 1, 2024

§ 6 — NET NEUTRALITY COMPLIANCE

Requires DCP to develop a procedure to certify that broadband Internet access service providers are abiding by recognized net neutrality best practices while providing service to consumers in the state

Registration and Certification

The bill requires DCP to develop, by January 1, 2026, a procedure through which a broadband Internet access service provider that provides fixed or mobile broadband Internet access service in the state must submit to DCP, at least annually, a registration and certification that the provider complies with the bill's net neutrality principles.

Beginning April 1, 2026, the DCP commissioner must issue a certificate of net neutrality compliance to any provider who submits a registration and certification that shows the provider complies with certain disclosure requirements (see below) and does not do the following:

1. block lawful content or nonharmful devices subject to reasonable network management practices that the provider has disclosed to consumers;
2. impair or degrade lawful Internet traffic on the basis of content, or the use of nonharmful devices, subject to reasonable network management practices that the provider has disclosed to consumers;

3. engage in paid prioritization (see below);
4. unreasonably interfere with or unreasonably disadvantage (a) a customer's ability to select, access, and use broadband Internet access service or lawful content or devices of the customer's choice or (b) the ability of an edge provider (i.e., anyone who provides (i) content over the Internet or (ii) a device used to access content) to make lawful content or devices available to a customer; and
5. engage in any deceptive or misleading marketing practice that misrepresents to customers the treatment of Internet traffic or content.

Under the bill, a "reasonable network management practice" is any network management practice that (1) is primarily justified as technical network management or (2) the DCP commissioner determines is primarily used for, and tailored to, achieving a legitimate network management purpose, considering the service's network architecture and technology.

"Paid prioritization" is the management of a provider's network to, directly or indirectly, favor some content or traffic over other content or traffic. This includes, among other things, the use of techniques such as traffic shaping, prioritization, resource reservation, or any form of preferential content or traffic management in exchange for money or other consideration from a third party or to benefit any entity affiliated with the provider.

Paid Prioritization Waiver

The bill authorizes the DCP commissioner to waive the prohibition on paid prioritization if a provider can show, and the commissioner finds, that the practice would provide a significant public benefit and would not harm the open nature of the Internet in Connecticut.

Disclosure to Consumers Required

The bill requires a provider engaged in providing fixed or mobile

broadband Internet access service in the state to publicly disclose to consumers accurate information about the provider's network management practices, performance, and commercial terms of the provider's services. The disclosure must be sufficient for a (1) consumer to make informed choices about the consumer's use of the services and (2) developer of content, or device provider, to develop, market, and maintain Internet offerings.

Consumer Complaints

The bill authorizes any broadband Internet access service end user to file a complaint with DCP alleging noncompliance with the bill's net neutrality principles. When DCP receives a complaint, DCP must record the complaint and may initiate a review of the provider's performance. The DCP commissioner, or his designee, must conduct a contested case hearing under the Uniform Administrative Procedure Act, if he finds that the provider failed to comply with the net neutrality principles. After a hearing, the commissioner or his designee may issue orders to enforce the bill's provisions.

Penalty

The bill authorizes the DCP commissioner, or his designee, to assess a civil penalty of up to \$10,000 per violation against the provider if they violate the net neutrality provisions.

Bill Interpretation Guidance

The bill states that it does not supersede or limit any existing obligation or authorization of a provider that provides fixed or mobile broadband Internet access services to address the needs of emergency communications, law enforcement, public safety, or national security authorities consistent with or permitted by law.

Additionally, the bill does not prohibit reasonable efforts by a provider to address copyright infringement or other unlawful activity.

The bill also requires that the terms and definitions in this section must be interpreted broadly, and any exceptions interpreted narrowly, using relevant FCC orders, advisory opinions, rulings, and regulations

as persuasive guidance.

EFFECTIVE DATE: January 1, 2025

§ 7 — STREAMING SERVICE CANCELLATIONS

Prohibits a streaming service provider from charging a subscriber for any streaming service after the date the subscriber cancels the service and requires the provider to give a pro rata rebate for unused days after cancellation

The bill prohibits a streaming service provider from charging a subscriber for any streaming service after the date the subscriber cancels the service. If the subscriber cancels it before the last day in the monthly billing period, the provider must provide the subscriber a pro rata rebate for all the days left in the period after the subscriber made the request.

Under the bill, a “streaming service provider” is an individual, association, corporation, limited liability company, partnership, trust, or other legal entity doing business in the state that offers or provides a streaming service to a subscriber. A “streaming service” is a service that (1) is available on a subscription basis and (2) delivers audio, video, or both in a compressed form over the Internet in real time.

EFFECTIVE DATE: October 1, 2024

§ 8 — RIGHT-TO-REPAIR

Requires certain electronic or appliance manufacturers to make available, on fair and reasonable terms, products’ repair manuals, functional parts, and tools; deems a violation a CUTPA violation

Regardless of any other state law, the bill requires electronic or appliance product manufacturers to make available certain resources needed to diagnose, maintain, or repair their products. Under it, manufacturers must make these resources available on fair and reasonable terms (see below) to the product’s owners, service and repair facilities, and service dealers.

The bill’s requirements apply to certain electronic or appliance products that are first manufactured, sold, or used in Connecticut on or after January 1, 2025 (“products”). For these products, the manufacturer

must make the following resources available if it makes them available to an “authorized repair provider” (see below):

1. documentation (e.g., product diagrams, manuals, reporting outputs, schematics, service code descriptions, or similar information);
2. functional parts (e.g., new or used replacement components); and
3. tools (e.g., hardware, software, or other apparatus to calibrate or repair a product, including updates).

The bill requires each manufacturer to make these resources available for different lengths of time, depending on the product’s wholesale price to a retailer (or in any sale other than a direct sale). They must provide these resources:

1. for at least three years after the last date it manufactured the product’s model or type if the product’s wholesale price is between \$50 and \$99.99 and
2. for at least seven years afterward if the product’s wholesale price is at least \$100.

The bill specifies that these time periods apply even if they exceed the product’s warranty periods.

Under the bill, an “authorized repair provider” means a person (i.e., individual or entity) who is unaffiliated with a manufacturer and has an arrangement under which the:

1. manufacturer grants the person a license to use a trade name, service mark, or other proprietary identifier to offer diagnostic, maintenance, or repair services for products under the manufacturer’s name or
2. person offers diagnostic, maintenance, or repair services for products on the manufacturer’s behalf.

An authorized repair provider includes a manufacturer for its own electronic or appliance products, if the manufacturer (1) offers diagnostic, maintenance, or repair services for the product and (2) does not have an arrangement with an unaffiliated person to provide these services.

A “product” includes any antenna, electronic set, major home appliance (e.g., dishwasher, microwave, or air conditioner), or rotator that is sold through any method other than a direct retail sale. It does not include any alarm system; motor vehicle or any component used to maintain, manufacture, or repair it; or video game console.

An “electronic set” includes any audio or video recorder or playback equipment, computer system, fax machine, photocopier, radio, television, video camera, or video monitor that is normally used or sold for personal, family, household, or home office use. A “rotator” includes an electromechanical device, used in an antenna installation or repair, that is operated from a remote location to rotate an antenna on a horizontal plane.

Fair and Reasonable Terms

Under the bill, the product manufacturer must make the required resources available on fair and reasonable terms, meaning at costs and on terms that are equal to the most favorable costs and terms it offers to authorized repair providers, accounting for any incentives or preferences (e.g., discounts, rebates, convenient and timely means of delivery, means of enabling fully restored and updated functionality, or rights of use) it offers the provider.

Additionally, the manufacturer must provide for free (1) documentation, including any relevant updates, and (2) tools, without imposing any barriers to accessing or using them in an efficient and cost-effective way. The manufacturer may, however, charge for its reasonable, actual costs to prepare and send physical versions of the tools and documentation, if requested.

If a manufacturer does not use an authorized repair provider, the bill

instead requires it to make these resources available at a price that reflects the actual costs it incurred to prepare and deliver the resources, excluding any research and development costs.

Disclosure by Dealers or Services That Are Not Authorized Repairers

Under the bill, service dealers or service and repair facilities that are not authorized repair providers for a manufacturer must, before repairing a product, give the customer written notice disclosing:

1. that the dealer or facility is not an authorized repair provider for the product and
2. whether the dealer or facility uses any (a) used replacement parts or (b) replacement parts provided by a supplier other than the product manufacturer.

Liability

Under the bill, a manufacturer or authorized repair provider is generally not liable for any damage or injury caused to any electronic or appliance product, person, or property due to a diagnosis, maintenance, modification, or repair an owner or service dealer performs. This includes any (1) indirect, incidental, special, or consequential damages; (2) loss of data, privacy, or profits; or (3) inability to use, or reduced functionality of, the product.

However, this does not apply to any design defect or manufacturing flaw that existed before, or independent of, any of the actions listed above.

Obligations

The bill specifies that its right-to-repair provisions do not require an electronic or appliance product manufacturer to do the following:

1. disclose any trade secret or license any intellectual property, including any copyright or patent, unless the disclosure or license is needed to comply with these provisions;

2. make available any special documentation, tools, or parts that would disable or override antitheft security measures the owner sets on any product without the owner's authorization;
3. sell any part if the manufacturer no longer (a) provides the part or (b) makes the part available to authorized repair providers; or
4. allow distribution of the source code for an electronic or appliance product.

Under existing law and the bill, a "trade secret" is information, including a formula, pattern, compilation, program, device, method, technique, process, drawing, cost data, or customer list that (1) derives actual or potential independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other individuals who can get economic value from its disclosure or use and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy (CGS § 35-51).

The bill also does not require a covered manufacturer that is also an authorized repair provider to make any documentation or tools available that:

1. it exclusively uses to perform free diagnostic services for customers remotely (e.g., using the Internet, email, telephone, or a chat function), unless the manufacturer also makes them available to any unaffiliated person, or
2. are exclusively used by machines that simultaneously repair several electronic or appliance products, as long as the manufacturer makes available alternative documentation and tools that are sufficient to diagnose, maintain, or repair the product.

The right-to-repair provisions also do not apply to a manufacturer if it gives its customers a free replacement product that is readily available and equivalent to, or better than, the replaced product.

Penalty

The bill deems a right-to-repair violation a CUTPA violation.

EFFECTIVE DATE: January 1, 2025

BACKGROUND**CUTPA**

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

Related Bills

SB 15 (File 67), favorably reported by the General Law Committee, prohibits individuals and legal entities from advertising, displaying, or offering pricing for (1) event tickets and (2) consumer goods or services on food delivery platforms, lodging platforms, or primary or secondary ticket platforms unless they disclose the total price, including all mandatory fees or charges, other than taxes.

sSB 201 (File 156), favorably reported by the General Law Committee, requires anyone selling goods or services in the state to disclose their total price, including fees and charges other than taxes, and makes a violation an unfair or deceptive trade practice under CUTPA.

SB 231 (File 138), favorably reported by the Public Safety and Security Committee, requires the emergency services and public protection commissioner to administer a grant program for law enforcement units and fire departments to purchase drones.

sHB 5203, favorably reported by the Transportation Committee,

requires auto dealers to include in a vehicle’s price all charges and fees that a buyer must pay to purchase the vehicle, except that dealers may exclude taxes and other government-imposed charges.

sHB 5236 (File 103), § 25, favorably reported by the General Law Committee, among other things, allows DCP to impose a civil penalty of up to \$5,000 for CUTPA violations, after an administrative hearing.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 14 Nay 8 (03/12/2024)