AN ACT relating to information technology.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 154.15-010 is amended to read as follows:

As used in this subchapter:

(1) "Authority" means the Kentucky Communications Network Authority;

(2) "Board" means the Board of the Kentucky Communications Network Authority;

(3) "Executive director" means the executive director of the Kentucky Communications Network Authority;

(4) "Network" or "KentuckyWired" means the Commonwealth's open-access broadband network;

(5) "Paid prioritization" means an Internet service provider directly or indirectly favoring some traffic over other traffic, through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management either:

(a) In exchange for consideration, monetary or otherwise, from a third party;

or

(b) To benefit an affiliated entity; and

(6) "Partnership" means the public-private partnership entered into between the Commonwealth and a private entity or entities for the purpose of creating, running, and maintaining the network.

Section 2. A new section of subchapter 15 of KRS chapter 154 is created to read as follows:

(1) Any contract entered into on or after the effective date of this Act between the authority and any public or private Internet service provider whereby the provider, in provision of broadband service, has access to KentuckyWired shall prohibit a provider from:

(a) Blocking lawful content, applications, services, or nonharmful devices;
(b) Impairing or degrading lawful Internet traffic on the basis of Internet content, application, service, or the uses of nonharmful devices;

(c) Engaging in paid prioritization; and

(d) Assigning data caps to broadband services provided through KentuckyWired.

(2) Any such contract shall provide access to KentuckyWired on a nonexclusive, nonpreferential basis.

(3) The authority shall terminate a contract with any provider that violates the requirements of this section.