

1 AN ACT relating to information technology.

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

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

4 As used in this subchapter:

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

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

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

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

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

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

16 **or**

17 **(b) To benefit an affiliated entity; and**

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

21 ➔SECTION 2. A NEW SECTION OF SUBCHAPTER 15 OF KRS CHAPTER
22 154 IS CREATED TO READ AS FOLLOWS:

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

27 **(a) Blocking lawful content, applications, services, or nonharmful devices;**

- 1 (b) Impairing or degrading lawful Internet traffic on the basis of Internet
2 content, application, service, or the uses of nonharmful devices;
3 (c) Engaging in paid prioritization; and
4 (d) Assigning data caps to broadband services provided through
5 KentuckyWired.
6 (2) Any such contract shall provide access to KentuckyWired on a nonexclusive,
7 nonpreferential basis.
8 (3) The authority shall terminate a contract with any provider that violates the
9 requirements of this section.