



General Assembly

Substitute Bill No. 131

February Session, 2022



AN ACT CONCERNING ELECTRONIC BOOK AND DIGITAL AUDIOBOOK LICENSING.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section,
2 (1) "digital audiobook" means a sound recording of a reading of any
3 literary production that has been converted into or published in a digital
4 audio file that may be listened to on a computer or portable electronic
5 device, (2) "electronic book" means a text document converted into or
6 published in a digital format that may be read on a computer or portable
7 electronic device, (3) "loan" means to create and transmit to a library
8 user a copy of an electronic book or digital audiobook and to delete such
9 copy upon the expiration the loan period, (4) "portable electronic device"
10 means any self-contained electronic device for personal use for
11 communicating, reading, viewing, listening, playing video games, or
12 computing, including a mobile telephone, tablet computer, electronic
13 book reader, and other similar devices, (5) "publisher" means any person
14 in the business of the manufacture, promulgation or sale of books,
15 journals or other literary productions, including those in digital form,
16 consisting of text, imagery or both, and digital audiobooks, and (6)
17 "reasonable terms" means purchase or licensing specifications that
18 consider a publisher's business model as well as a library's need for the
19 efficient use of funds in providing library services.

20 (b) Any publisher who offers any contract or product license for the
21 acquisition or use of any electronic book or digital audiobook to the
22 public shall, upon the request of any library in this state, offer such
23 contract or product license to the requesting library on reasonable terms
24 that would permit the requesting library to provide its library users with
25 access to such electronic book or digital audiobook.

26 (c) Any contract or license agreement between any publisher and any
27 library entered into pursuant to subsection (b) of this section may
28 require (1) a limitation on the number of users a library may allow
29 simultaneous access to an electronic book or digital audiobook, or (2) a
30 library's use of technological protection measures that prevent a user
31 from (A) maintaining access to an electronic book or digital audiobook
32 beyond the access period specified in the license, and (B) providing
33 other users with access to an electronic book or digital audiobook.

34 (d) No contract or license agreement between any publisher and any
35 library entered into pursuant to subsection (b) of this section shall (1)
36 prohibit any library from loaning electronic books or digital
37 audiobooks, (2) prohibit any library from loaning electronic books or
38 digital audiobooks through any interlibrary loan system, (3) restrict the
39 number of times any library may loan any electronic book or digital
40 audiobook, (4) restrict any library's loan periods for electronic books or
41 digital audiobooks, (5) limit the number of electronic book or digital
42 audiobook licenses any library may purchase on the same date such
43 electronic book or digital audiobook is made available for purchase by
44 the public, (6) prohibit any library from making nonpublic preservation
45 copies of any electronic book or digital audiobook, or (7) restrict any
46 library from disclosing the terms of any license agreement to any other
47 library in the state.

48 (e) Any publisher that violates the provisions of this section shall
49 have committed an unfair trade practice under subsection (a) of section
50 42-110b of the general statutes.

