



General Assembly

January Session, 2023

Raised Bill No. 6800

LCO No. 3698



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***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, 2023*) (a) As used in this section:

2 (1) "Electronic literary material" means any digital audiobook or
3 electronic book;

4 (2) "Digital audiobook" means a sound recording of a reading of any
5 literary production that has been converted into or published in a digital
6 audio file that may be listened to on a computer or portable electronic
7 device;

8 (3) "Electronic book" means a text document converted into or
9 published in a digital format that may be read on a computer or portable
10 electronic device;

11 (4) "Portable electronic device" means any self-contained electronic
12 device for personal use for communicating, reading, viewing, listening,
13 playing video games or computing, including, but not limited to, a

14 mobile telephone, tablet computer, electronic book reader and other
15 similar devices;

16 (5) "Literary monograph" means a literary work that is published in
17 one volume or a finite number of volumes;

18 (6) "Library" includes any (A) public library; (B) public elementary
19 school or secondary school library; (C) tribal library; (D) academic
20 library; (E) research library; (F) public archive; and (G) the Connecticut
21 State Library;

22 (7) "Publisher" means any person in the business of the manufacture,
23 promulgation, license or sale of books, audiobooks, journals, magazines,
24 newspapers or other literary productions, including those in the form of
25 electronic literary materials, and includes any aggregator who enters
26 into a contract with any library for the purpose of providing materials
27 for purchase or license from any publisher;

28 (8) "Aggregator" means any person in the business of licensing access
29 to electronic literary material collections that include electronic literary
30 material from multiple publishers;

31 (9) "Technological protection measure" means any technology that
32 enhances the security of loaning or circulating electronic literary
33 materials by a library;

34 (10) "Borrower" means any person or organization, including another
35 library, to whom a library loans media of any type;

36 (11) "Loan" means the creation and transmission by a library to a
37 borrower of a copy of any electronic library material and the deletion of
38 such copy by the library upon the expiration of the loan period; and

39 (12) "Loan period" means the time between the creation and
40 transmission by a library to a borrower of a copy of any electronic
41 library material and the deletion of such copy by the library, as
42 determined by the library.

43 (b) The provisions of this section shall apply to any contract offered,
44 entered into or renewed by a publisher for the license of any electronic
45 literary material to any library in the state on and after October 1, 2023.

46 (c) No contract or license agreement between any publisher and any
47 library in this state shall preclude, limit or restrict the library from
48 performing customary operational or lending functions, including any
49 provision that:

50 (1) Prohibits the library from loaning any electronic literary material,
51 including through any interlibrary loan system;

52 (2) Restricts the number of times the library may loan any electronic
53 literary material over the course of the license agreement if such
54 agreement also restricts the library's loan period for electronic literary
55 material;

56 (3) Limits the number of electronic literary material licenses the
57 library may purchase on the same date such electronic literary material
58 is made available for purchase by the public;

59 (4) Prohibits the library from making nonpublic preservation copies
60 of any electronic literary material;

61 (5) Restricts the library from disclosing the terms of the license
62 agreement to any other library in the state;

63 (6) Restricts the duration of the license agreement unless the
64 publisher has also offered the library a license agreement (A) based on
65 a pay-per-use model, or (B) that provides for the perpetual public use of
66 the electronic literary material upon commercially reasonable terms in
67 consideration of the library's mission; or

68 (7) Requires the library to violate the provisions of section 11-25 of
69 the general statutes.

70 (d) A contract or license agreement between a publisher and a library
71 may require:

72 (1) A limitation on the number of borrowers the library may allow to
73 have simultaneous access to any electronic literary material; or

74 (2) The library's reasonable use of any technological protection
75 measure that prevents a borrower from:

76 (A) Maintaining access to any electronic literary material beyond the
77 access period specified in the license; and

78 (B) Providing other borrowers with access to any electronic literary
79 material.

80 (e) Any publisher that violates the provisions of this section shall
81 have committed an unfair trade practice under subsection (a) of section
82 42-110b of the general statutes.

83 (f) Any contract or license agreement concerning electronic literary
84 material that includes provisions prohibited by section (c) of this act is
85 unconscionable within the meaning of section 42a-2-302 of the general
86 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section

Statement of Purpose:

To prohibit publishers of electronic books and digital audiobooks from including certain restrictions in contracts or license agreements with libraries in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]