



General Assembly

Amendment

February Session, 2024

LCO No. 4467



Offered by:

REP. BLUMENTHAL, 147th Dist.

REP. KAVROS DEGRAW, 17th Dist.

To: House Bill No. 5312

File No. 444

Cal. No. 288

**"AN ACT MAKING CERTAIN TERMS IN ELECTRONIC BOOK AND
DIGITAL AUDIOBOOK LICENSE AGREEMENTS OR CONTRACTS
UNENFORCEABLE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2026, and applicable to contracts or*
4 *license agreements entered into or renewed on or after said date*) (a) As used
5 in this section:

6 (1) "Electronic literary material" means any digital audiobook or
7 electronic book;

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

12 (3) "Electronic book" means a text document that has been converted

13 into or published in a digital format that may be read on a computer or
14 portable electronic device;

15 (4) "Portable electronic device" means any self-contained electronic
16 device for personal use for communicating, reading, viewing, listening,
17 playing video games or computing, including, but not limited to, a
18 mobile telephone, tablet computer, electronic book reader or other
19 similar device;

20 (5) "Library" includes (A) any public library, public elementary
21 school library, secondary school library, academic library, research
22 library or public archive (i) that is funded directly or indirectly, in whole
23 or in part, during a fiscal year by the state or a political subdivision of
24 the state, including, but not limited to, matching expenditures, grants,
25 loans, bonding, insurance or guarantees, and (ii) for the duration of any
26 fiscal year in which such funding is received and the fiscal year next
27 succeeding; and (B) the State Library;

28 (6) "Publisher" means any person in the business of the manufacture,
29 promulgation, license or sale of books, audiobooks, journals, magazines,
30 newspapers or other literary productions, including those in the form of
31 electronic literary materials, and includes any aggregator who enters
32 into a contract with any library for the purpose of providing materials
33 for purchase or license from any publisher;

34 (7) "Aggregator" means any person in the business of licensing access
35 to electronic literary material collections that include electronic literary
36 material from multiple publishers;

37 (8) "Technological protection measure" means any technology that
38 enhances the security of loaning or circulating electronic literary
39 materials by a library;

40 (9) "Borrower" means any person or organization, including another
41 library, to whom a library loans a copy of electronic literary material;

42 (10) "Loan" means the creation and transmission by a library to a

43 borrower of a copy of any electronic literary material and the deletion
44 of such copy by the library upon the expiration of the loan period; and

45 (11) "Loan period" means the period of time commencing with the
46 creation and transmission by a library to a borrower of a copy of any
47 electronic literary material and concluding with the deletion of such
48 copy by the library, as determined by the library.

49 (b) The provisions of this section shall apply to any contract or license
50 agreement entered into or renewed on and after July 1, 2026, by a library
51 in the state with a publisher for the license of any electronic literary
52 material.

53 (c) On and after July 1, 2026, no library in the state shall enter into or
54 renew any contract or license agreement with a publisher that
55 precludes, limits or restricts the library from performing customary
56 operational or lending functions, including any provision that:

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

59 (2) Restricts the number of times the library may loan any electronic
60 literary material over the course of the contract or license agreement if
61 such contract or agreement also restricts the library's loan period for
62 electronic literary material;

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

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

68 (5) Restricts the library from disclosing the terms of the contract or
69 license agreement to any other library in the state;

70 (6) Restricts the duration of the contract or license agreement unless
71 the library also has the option of a contract or license agreement on

72 commercially reasonable terms in consideration of the library's mission,
73 that either (A) is based on a pay-per-use model, or (B) provides for the
74 perpetual public use of the electronic literary material;

75 (7) Requires the library to violate the provisions of section 11-25 of
76 the general statutes;

77 (8) Provides that the contract or license agreement is not severable
78 from any provision within such contract or agreement that is found in a
79 judicial forum to be prohibited by this subsection; or

80 (9) Allows the enforcement of any of the provisions prohibited by this
81 subsection other than in a judicial forum.

82 (d) Any library in the state may enter into a contract or license
83 agreement with a publisher that contains:

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

86 (2) A provision concerning the library's reasonable use of any
87 technological protection measure that prevents a borrower from:

88 (A) Maintaining access to any electronic literary material beyond the
89 access period specified in the contract or license agreement; and

90 (B) Providing other borrowers with access to any electronic literary
91 material."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2026, and applicable to contracts or license agreements entered into or renewed on or after said date</i>	New section