



General Assembly

**Substitute Bill No. 6829**

January Session, 2023



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

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 that has been converted  
9 into or published in a digital format that may be read on a computer or  
10 portable 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) "Library" includes any (A) public library; (B) public elementary  
17 school or secondary school library; (C) tribal library; (D) academic  
18 library; (E) research library; (F) public archive; and (G) the Connecticut  
19 State Library;

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

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

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

32 (9) "Borrower" means any person or organization, including another  
33 library, to whom a library loans media of any type;

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

37 (11) "Loan period" means the period of time commencing with the  
38 creation and transmission by a library to a borrower of a copy of any  
39 electronic library material and concluding with the deletion of such  
40 copy by the library, as determined by the library.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

79 (e) Any contract or license agreement concerning electronic literary  
80 material that includes provisions described in subdivisions (1) to (7),  
81 inclusive, of subsection (c) of this section shall be unenforceable as to  
82 those provisions.

83 (f) No person shall attempt to enforce a provision described in  
84 subdivisions (1) to (7), inclusive, of subsection (c) of this section against  
85 a library, including, but not limited to, by means of a technological  
86 protection measure, except that a person may seek resolution of a  
87 dispute concerning such provision in a judicial forum. Any violation of  
88 this subsection shall be subject to a civil penalty of five hundred dollars  
89 per violation imposed either under subsection (g) or (h) of this section,  
90 as applicable, provided such penalty shall not exceed four thousand five  
91 hundred dollars in the aggregate.

92 (g) Any municipality may, by ordinance, establish a civil penalty for  
93 a violation of subsection (f) of this section that concerns a public or  
94 public elementary or secondary school library of such municipality of  
95 not more than five hundred dollars per violation, provided such penalty  
96 shall not exceed four thousand five hundred dollars in the aggregate.  
97 Any person who is assessed a civil penalty pursuant to this subsection  
98 may appeal therefrom to the Superior Court in the manner provided in  
99 subsection (g) of section 7-152c of the general statutes.

100 (h) In the case of the Connecticut State Library or another library of a  
101 state agency, as defined in section 1-79 of the general statutes, the State  
102 Librarian or such state agency, as applicable, may request the Attorney  
103 General to institute a civil action in the superior court for the judicial

104 district of Hartford for injunctive or other equitable relief or to recover  
105 a civil penalty pursuant to subsection (f) of this section.

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

**GAE**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*