



General Assembly

February Session, 2024

Raised Bill No. 148

LCO No. 49



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***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 July 1, 2026*) (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 (A) any public library, public elementary
17 school library, secondary school library, tribal library, academic library,
18 research library or public archive that is funded (i) directly or indirectly,
19 in whole or in part, during a fiscal year by the state or a political
20 subdivision of the state, including, but not limited to, matching
21 expenditures, grants, loans, bonding, insurance or guarantees, and (ii)
22 for the duration of the fiscal year after the receipt of such funding and
23 the fiscal year next succeeding; and (B) the State Library;

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

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

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

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

38 (10) "Loan" means the creation and transmission by a library to a
39 borrower of a copy of any electronic literary material and the deletion
40 of such copy by the library upon the expiration of the loan period; and

41 (11) "Loan period" means the period of time commencing with the
42 creation and transmission by a library to a borrower of a copy of any

43 electronic literary material and concluding with the deletion of such
44 copy by the library, as determined by the library.

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

49 (c) No library in this state shall enter into any contract or license
50 agreement with a publisher that precludes, limits or restricts the library
51 from performing customary operational or lending functions, including
52 any provision that:

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

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

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

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

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

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

71 (7) Requires the library to violate the provisions of section 11-25 of

72 the general statutes.

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

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

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

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

81 (B) Providing other borrowers with access to any electronic literary
82 material.

83 (e) Any contract or license agreement concerning electronic literary
84 material that includes provisions prohibited by subdivisions (1) to (7),
85 inclusive, of subsection (c) of this section shall be unenforceable only as
86 to those provisions.

87 (f) No person shall attempt to enforce a provision described in
88 subdivisions (1) to (7), inclusive, of subsection (c) of this section against
89 a library, including, but not limited to, by means of a technological
90 protection measure, except that a person may seek resolution of a
91 dispute concerning such provision in a judicial forum. Any violation of
92 the provisions of this subsection shall constitute an unfair trade practice
93 for purposes of subsection (a) of section 42-110b of the general statutes
94 and shall be enforced by the Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2026	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.]