



General Assembly

February Session, 2024

**Substitute Bill No. 148**



**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 materials 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 a copy of electronic literary material;

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 contract or license agreement if  
57 such contract or agreement also restricts the library's loan period for  
58 electronic literary 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 contract or license agreement; 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 Legislative Commissioners:**

In Subsec. (a)(9), "media of any type" was changed to "a copy of electronic literary material" for internal consistency; in Subsec. (c)(2), "contract or" was added before "license agreement" and "contract or" was added before "agreement" for internal consistency; and in Subsec. (d)(2)(A), "license" was changed to "contract or license agreement" for internal consistency.

**PD**      *Joint Favorable Subst. -LCO*