



General Assembly

***Amendment***

***January Session, 2025***

**LCO No. 8498**



Offered by:

REP. MASTROFRANCESCO, 80<sup>th</sup> Dist.

To: Subst. Senate Bill No. **1234**

File No. 132

Cal. No. 576

(As Amended by Senate Amendment Schedule "A")

***"AN ACT PROHIBITING LIBRARIES FROM AGREEING TO CERTAIN TERMS IN ELECTRONIC BOOK AND DIGITAL AUDIOBOOK LICENSE AGREEMENTS OR CONTRACTS."***

1 Strike subsections (b) and (c) of section 1 in their entirety and  
2 substitute the following in lieu thereof:

3 "(b) (1) Except as provided in subdivision (2) of subsection (c) of this  
4 section, on the sixtieth day following the date the Secretary of the State,  
5 in consultation with the State Librarian, determines that a substantially  
6 similar law to the provisions of this section has been enacted in one or  
7 more states, not including this state, and the aggregate population of  
8 such state or states equals at least seven million, as enumerated in the  
9 most recent United States decennial census, the provisions of this  
10 section shall apply to any contract or license agreement entered into or  
11 renewed on and after such sixtieth day, by a library in the state with a  
12 publisher for the license of any electronic literary material. The State  
13 Librarian shall verify whether any states have enacted any such

14 substantially similar laws not less than quarterly.

15 (2) Not later than thirty days after the date the secretary, in  
16 consultation with the State Librarian, makes such determination in  
17 accordance with subdivision (1) of this subsection, the State Librarian  
18 shall electronically notify the Commissioner of Education, the Secretary  
19 of the Office of Policy and Management and all libraries operated by a  
20 state agency of such determination and the date the requirements of this  
21 section become effective and the Secretary of the State and State  
22 Librarian shall ensure that such determination and effective date are  
23 posted on the Internet web sites of the State Library and the office of the  
24 Secretary of the State. The Secretary of the Office of Policy and  
25 Management shall electronically notify all municipalities of this state  
26 and the Commissioner of Education shall electronically notify all public  
27 elementary schools and secondary schools, of such determination and  
28 effective date.

29 (c) (1) Except as provided in subdivision (2) of this subsection, on and  
30 after the sixtieth day following the date of determination by the  
31 secretary, in consultation with the State Librarian, as specified in  
32 subdivision (1) of subsection (b) of this section, no library in the state  
33 shall enter into or renew any contract or license agreement with a  
34 publisher that precludes, limits or restricts the library from performing  
35 customary operational or lending functions, including any provision  
36 that:

37 (A) Prohibits the library from loaning any electronic literary material,  
38 including through any interlibrary loan system;

39 (B) Restricts the number of times the library may loan any electronic  
40 literary material over the course of the contract or license agreement if  
41 such contract or agreement also restricts the library's loan period for  
42 electronic literary material;

43 (C) Limits the number of electronic literary material licenses the  
44 library may purchase on the same date such electronic literary material

45 is made available for purchase by the public;

46 (D) Prohibits the library from making nonpublic preservation copies  
47 of any electronic literary material;

48 (E) Restricts the library from disclosing the terms of the contract or  
49 license agreement to any other library in the state;

50 (F) Restricts the duration of the contract or license agreement for  
51 electronic literary material unless the library also has the option of a  
52 contract or license agreement on commercially reasonable terms in  
53 consideration of the library's mission, that either (i) is based on a pay-  
54 per-use model, or (ii) provides for the perpetual public use of the  
55 electronic literary material;

56 (G) Requires the library to violate the provisions of section 11-25 of  
57 the general statutes;

58 (H) Provides that the contract or license agreement is not severable  
59 from any provision within such contract or agreement that is found in a  
60 judicial forum to be prohibited by this subsection; or

61 (I) Allows the enforcement of any of the provisions prohibited by this  
62 subsection other than in a judicial forum.

63 (2) The provisions of this subsection shall not apply to any library (A)  
64 funded by a municipality if the legislative body of a municipality elects  
65 to opt out of the provisions of this section not later than the ninety days  
66 following the date of determination by the secretary, in consultation  
67 with the State Librarian, as specified in subdivision (1) of subsection (b)  
68 of this section; (B) that spends less than five per cent of its total budget  
69 on licensing electronic materials; or (C) funded by a municipality if such  
70 library's budget does not exceed one million dollars annually."