



General Assembly

**Amendment**

January Session, 2025

LCO No. 8035



Offered by:

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

File No. 132

Cal. No. 121

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

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

3 "Section 1. (NEW) (*Effective July 1, 2025*) (a) As used in this section:

4 (1) "Electronic literary material" means any digital audiobook or  
5 electronic book;

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

10 (3) "Electronic book" means a text document that has been converted  
11 into or published in a digital format that may be read on a computer or

12 portable electronic device;

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

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

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

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

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

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

40 (10) "Loan" means the creation and transmission by a library to a  
41 borrower of a copy of any electronic literary material and the deletion

42 of such copy by the library upon the expiration of the loan period; and

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

47 (b) (1) On the sixtieth day following the date the Secretary of the State,  
48 in consultation with the State Librarian, determines that a substantially  
49 similar law to the provisions of this section has been enacted in one or  
50 more states, not including this state, and the aggregate population of  
51 such state or states equals at least seven million, as enumerated in the  
52 most recent United States decennial census, the provisions of this  
53 section shall apply to any contract or license agreement entered into or  
54 renewed on and after such sixtieth day, by a library in the state with a  
55 publisher for the license of any electronic literary material. The State  
56 Librarian shall verify whether any states have enacted any such  
57 substantially similar laws not less than quarterly.

58 (2) Not later than thirty days after the date the secretary, in  
59 consultation with the State Librarian, makes such determination in  
60 accordance with subdivision (1) of this subsection, the State Librarian  
61 shall electronically notify the Commissioner of Education, the Secretary  
62 of the Office of Policy and Management and all libraries operated by a  
63 state agency of such determination and the date the requirements of this  
64 section become effective and the Secretary of the State and State  
65 Librarian shall ensure that such determination and effective date are  
66 posted on the Internet web sites of the State Library and the office of the  
67 Secretary of the State. The Secretary of the Office of Policy and  
68 Management shall electronically notify all municipalities of this state  
69 and the Commissioner of Education shall electronically notify all public  
70 elementary schools and secondary schools, of such determination and  
71 effective date.

72 (c) On and after the sixtieth day following the date of determination  
73 by the secretary, in consultation with the State Librarian, as specified in

74 subdivision (1) of subsection (b) of this section, no library in the state  
75 shall enter into or renew any contract or license agreement with a  
76 publisher that precludes, limits or restricts the library from performing  
77 customary operational or lending functions, including any provision  
78 that:

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

81 (2) Restricts the number of times the library may loan any electronic  
82 literary material over the course of the contract or license agreement if  
83 such contract or agreement also restricts the library's loan period for  
84 electronic literary material;

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

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

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

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

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

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

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

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

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

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

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

113 (B) Providing other borrowers with access to any electronic literary  
114 material."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	New section