



General Assembly

Amendment

January Session, 2025

LCO No. 8522



Offered by:
REP. MASTROFRANCESCO, 80th 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) On the three hundred sixty-fifth day following the date the
4 Secretary of the State, in consultation with the State Librarian,
5 determines that a substantially similar law to the provisions of this
6 section has been enacted in one or more states, not including this state,
7 and the aggregate population of such state or states equals at least seven
8 million, as enumerated in the most recent United States decennial
9 census, the provisions of this section shall apply to any contract or
10 license agreement entered into or renewed on and after such three
11 hundred sixty-fifth day, by a library in the state with a publisher for the
12 license of any electronic literary material. The State Librarian shall verify
13 whether any states have enacted any such substantially similar laws not

14 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) On and after the three hundred sixty-fifth day following the date
30 of determination by the secretary, in consultation with the State
31 Librarian, as specified in subdivision (1) of subsection (b) of this section,
32 no library in the state shall enter into or renew any contract or license
33 agreement with a publisher that precludes, limits or restricts the library
34 from performing customary operational or lending functions, including
35 any provision that:

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

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

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

- 45 (4) Prohibits the library from making nonpublic preservation copies
46 of any electronic literary material;
- 47 (5) Restricts the library from disclosing the terms of the contract or
48 license agreement to any other library in the state;
- 49 (6) Restricts the duration of the contract or license agreement for
50 electronic literary material unless the library also has the option of a
51 contract or license agreement on commercially reasonable terms in
52 consideration of the library's mission, that either (A) is based on a pay-
53 per-use model, or (B) provides for the perpetual public use of the
54 electronic literary material;
- 55 (7) Requires the library to violate the provisions of section 11-25 of
56 the general statutes;
- 57 (8) Provides that the contract or license agreement is not severable
58 from any provision within such contract or agreement that is found in a
59 judicial forum to be prohibited by this subsection; or
- 60 (9) Allows the enforcement of any of the provisions prohibited by this
61 subsection other than in a judicial forum."