



General Assembly

Amendment

January Session, 2023

LCO No. 8973



Offered by:

REP. KAVROS DEGRAW, 17th Dist.

REP. BLUMENTHAL, 147th Dist.

SEN. FLEXER, 29th Dist.

REP. MCCARTHY VAHEY, 133rd Dist.

SEN. HWANG, 28th Dist.

To: Subst. House Bill No. 6829

File No. 586

Cal. No. 357

**"AN ACT MAKING CERTAIN TERMS IN ELECTRONIC BOOK AND
DIGITAL AUDIOBOOK LICENSE AGREEMENTS OR CONTRACTS
UNENFORCEABLE."**

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 and other
17 similar devices;

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

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) The provisions of this section shall apply to any contract or license
48 agreement entered into or renewed on and after July 1, 2025, by a library
49 in the state with a publisher for the license of any electronic literary
50 material.

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

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

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

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

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

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

68 (6) Restricts the duration of the contract or license agreement unless

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

73 (7) Requires the library to violate the provisions of section 11-25 of
74 the general statutes.

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

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

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

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

83 (B) Providing other borrowers with access to any electronic literary
84 material.

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

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

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