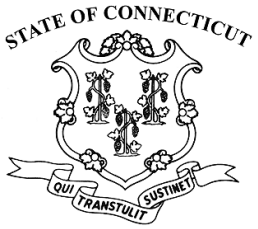

Substitute Senate Bill No. 1234

Public Act No. 25-9

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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

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

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

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

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

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

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

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

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

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

(10) "Loan" means the creation and transmission by a library to a borrower of a copy of any electronic literary material and the deletion of such copy by the library upon the expiration of the loan period; and

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

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

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

(c) On and after the sixtieth day following the date of determination by the secretary, in consultation with the State Librarian, as specified in subdivision (1) of subsection (b) of this section, no library in the state shall enter into or renew any contract or license agreement with a publisher that precludes, limits or restricts the library from performing customary operational or lending functions, including any provision

that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Governor's Action:
Approved May 29, 2025