



General Assembly

January Session, 2025

**Substitute Bill No. 1234**



***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:

1 Section 1. (NEW) (*Effective July 1, 2026, and applicable to contracts or*  
2 *license agreements entered into or renewed on or after said date*) (a) As used  
3 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) The provisions of this section shall apply to any contract or license

48 agreement entered into or renewed on and after July 1, 2026, by a library  
49 in the state with a publisher for the license of any electronic literary  
50 material.

51 (c) On and after July 1, 2026, no library in the state shall enter into or  
52 renew any contract or license agreement with a publisher that  
53 precludes, limits or restricts the library from performing customary  
54 operational or lending functions, including 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 contract or license agreement if  
59 such contract or agreement also restricts the library's loan period for  
60 electronic literary 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;

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

75 (8) Provides that the contract or license agreement is not severable  
76 from any provision within such contract or agreement that is found in a

77 judicial forum to be prohibited by this subsection; or

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2026, and applicable to contracts or license agreements entered into or renewed on or after said date</i>	New section

**Statement of Legislative Commissioners:**

The title was changed.

**GAE** Joint Favorable Subst. -LCO