



General Assembly

Substitute Bill No. 6800

January Session, 2023



AN ACT CONCERNING ELECTRONIC BOOK AND DIGITAL AUDIOBOOK LICENSING.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this
2 section:

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

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

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

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

17 (5) "Library" includes any (A) public library; (B) public elementary
18 school or secondary school library; (C) tribal library; (D) academic
19 library; (E) research library; (F) public archive; and (G) the Connecticut
20 State Library;

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

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

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

34 (9) "Borrower" means any person or organization, including another
35 library, to whom a library loans media of any type;

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

39 (11) "Loan period" means the time between the creation and
40 transmission by a library to a borrower of a copy of any electronic
41 library material and the deletion of such copy by the library, as
42 determined by the library.

43 (b) The provisions of this section shall apply to any contract offered,
44 entered into or renewed by a publisher for the license of any electronic
45 literary material to any library in the state on and after October 1, 2023.

46 (c) No contract or license agreement between any publisher and any
47 library in this state shall preclude, limit or restrict the library from
48 performing customary operational or lending functions, including any
49 provision that:

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

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

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

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

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

63 (6) Restricts the duration of the license agreement unless the
64 publisher has also offered the library a license agreement (A) based on
65 a pay-per-use model, or (B) that provides for the perpetual public use
66 of the electronic literary material upon commercially reasonable terms
67 in consideration of the library's mission; or

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

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

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

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

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

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

80 (e) Any publisher that violates the provisions of this section shall
81 have committed an unfair trade practice under subsection (a) of section
82 42-110b of the general statutes.

83 (f) Any contract or license agreement concerning electronic literary
84 material that includes provisions prohibited by section (c) of this
85 section is unconscionable within the meaning of section 42a-2-302 of
86 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section

PD *Joint Favorable Subst.*