

SENATE BILL 1955

By Walley

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 25, relative to electronic literary product
licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 25, is amended by adding
the following as a new part:

47-25-2101. This part is known and may be cited as the "Electronic Literary
Product Act."

47-25-2102.

As used in this part, unless the context otherwise requires:

(1) "Electronic literary product" means:

(A) A text document that has been converted into or
published in a digital format that is read on a computer, tablet,
smartphone, or other electronic device; or

(B) An audio recording of a text document, read out loud
in a format that is listened to on a computer, tablet, smartphone,
or other electronic device;

(2) "Libraries" means:

(A) Libraries that are open to the public and established or
operated by:

(i) The state, a county, city, town, school district, or
other political subdivision of the state;

(ii) A combination of governmental units or authorities; and

(iii) A university or community college; or

(B) Private libraries that are open to the public; and

(3) "Publisher" means a person in the business of manufacturing, promulgating, and selling books, audiobooks, journals, magazines, newspapers, or other literary productions, including those in digital form that consist of text, imagery, audio recordings, or a combination of text, imagery, or audio recordings.

47-25-2103.

(a) Subject to subsections (b) and (c), a publisher who offers to license an electronic literary product to the public must offer to license the electronic literary product to libraries in the state on reasonable terms, which would enable libraries to provide library users with access to the electronic literary product.

(b) The terms of a license under subsection (a) may include:

(1) A limitation on the number of users a library may simultaneously allow to access an electronic literary product;

(2) A limitation on the number of days a library may allow a user to access an electronic literary product; and

(3) The use of technological protection measures that would prevent a user from:

(A) Maintaining access to an electronic literary product beyond the access period specified in the license; and

(B) Allowing another user to access an electronic literary product.

(c) The terms of a license under subsection (a) must not include a limitation on the number of electronic literary product licenses a library may purchase on the same date the electronic literary product license is made available to the public.

47-25-2104. A violation of this part constitutes an unfair or deceptive act or practice under the Consumer Protection Act of 1977, compiled in chapter 18, part 1 of this title and, without limiting the scope of § 47-18-104, is punishable by a civil penalty not to exceed five hundred dollars (\$500) for a first offense. A second or subsequent offense is punishable by a civil penalty not to exceed one thousand dollars (\$1,000) for each offense.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.