

SENATE BILL 432

F5

1r1772
CF HB 518

By: **Senator King**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Libraries – Electronic Book Licenses – Access**

3 FOR the purpose of requiring a publisher who offers to license an electronic book to the
4 public to also offer to license the electronic book to public libraries in the State on
5 reasonable terms that would enable public libraries to provide library users with
6 access to the electronic book; requiring the terms of a license authorizing public
7 libraries to provide access to an electronic book to include certain limitations and
8 measures; prohibiting the terms of a license from including a limitation on the
9 number of licenses public libraries may purchase on the same date an electronic book
10 license is made available to the public; providing that a violation of this Act shall
11 constitute an unfair, abusive, or deceptive trade practice subject to certain
12 enforcement; defining certain terms; and generally relating to electronic book
13 licenses.

14 BY adding to

15 Article – Education

16 Section 23–701 and 23–702 to be under the new subtitle “Subtitle 7. Electronic Book
17 Licenses”

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SUBTITLE 7. ELECTRONIC BOOK LICENSES.

23-701.

(A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) "ELECTRONIC BOOK" MEANS A TEXT DOCUMENT THAT HAS BEEN: ~~CONVERTED~~

(1) CONVERTED INTO OR PUBLISHED IN A DIGITAL FORMAT THAT IS READ ON A COMPUTER, TABLET, SMART PHONE, OR OTHER ELECTRONIC DEVICE; OR

(2) READ ALOUD AND RECORDED IN A FORMAT THAT IS LISTENED TO ON A COMPUTER, TABLET, SMART PHONE, OR OTHER ELECTRONIC DEVICE.

(C) "PUBLISHER" MEANS A PERSON IN THE BUSINESS OF MANUFACTURING, PROMULGATING, AND SELLING BOOKS, JOURNALS, MAGAZINES, NEWSPAPERS, OR OTHER LITERARY PRODUCTIONS, INCLUDING THOSE IN DIGITAL FORM, THAT CONSIST OF TEXT, IMAGERY, OR BOTH.

(D) "UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES" HAS THE MEANING STATED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE.

23-702.

(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A PUBLISHER WHO OFFERS TO LICENSE AN ELECTRONIC BOOK TO THE PUBLIC ALSO SHALL OFFER TO LICENSE THE ELECTRONIC BOOK TO PUBLIC LIBRARIES IN THE STATE ON REASONABLE TERMS THAT WOULD ENABLE PUBLIC LIBRARIES TO PROVIDE LIBRARY USERS WITH ACCESS TO THE ELECTRONIC BOOK.

(B) THE TERMS OF A LICENSE UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) A LIMITATION ON THE NUMBER OF USERS A PUBLIC LIBRARY MAY SIMULTANEOUSLY ALLOW TO ACCESS AN ELECTRONIC BOOK;

(2) A LIMITATION ON THE NUMBER OF DAYS A PUBLIC LIBRARY MAY ALLOW A USER TO ACCESS AN ELECTRONIC BOOK; AND

(3) THE USE OF TECHNOLOGICAL PROTECTION MEASURES THAT WOULD PREVENT A USER FROM:

1 **(I) MAINTAINING ACCESS TO AN ELECTRONIC BOOK BEYOND**
2 **THE ACCESS PERIOD SPECIFIED IN THE LICENSE; AND**

3 **(II) ALLOWING OTHER USERS TO ACCESS AN ELECTRONIC**
4 **BOOK.**

5 **(C) THE TERMS OF A LICENSE UNDER SUBSECTION (A) OF THIS SECTION**
6 **MAY NOT INCLUDE A LIMITATION ON THE NUMBER OF ELECTRONIC BOOK LICENSES**
7 **A PUBLIC LIBRARY MAY PURCHASE ON THE SAME DATE THE ELECTRONIC BOOK**
8 **LICENSE IS MADE AVAILABLE TO THE PUBLIC.**

9 **(D) A VIOLATION OF THIS SUBTITLE SHALL CONSTITUTE AN UNFAIR,**
10 **ABUSIVE, OR DECEPTIVE TRADE PRACTICE AND IS SUBJECT TO ENFORCEMENT IN**
11 **ACCORDANCE WITH TITLE 13, SUBTITLE 4 OF THE COMMERCIAL LAW ARTICLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.