

**SB 432 - MoCo - Libraries (GA 21).pdf**

Uploaded by: Boucher, Kathleen

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**ROCKVILLE: 240-777-6550**

**ANNAPOLIS: 240-777-8270**

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**SB 432**

**DATE: February 9, 2021**

**SPONSOR: Senator King**

**ASSIGNED TO: Education, Health, and Environmental Affairs**

**CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)**

**POSITION: Support (Department of Public Libraries)**

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

With certain exceptions, this bill requires a publisher that offers to license an eBook or audiobook to the public to also offer to license the book to public libraries with reasonable terms and conditions. The bill would have a positive impact on the ability of Montgomery County Public Libraries to provide these materials to County residents.

The circulation of digital materials to our community has increased by 15% from fiscal year 2019 to fiscal year 2020, as the circulation of physical materials has dropped by 32% in the same period. Residents were moving to digital platforms before the pandemic, but the trend has accelerated in the past year. Unfortunately, some current and past practices of publishers have negatively impacted the ability of library users to access eBooks and audiobooks.

Currently, Amazon and Audible, which between them have over 20,000 “exclusive” digital titles, do not allow libraries to license these digital materials. Much of this content is in high demand, including works by many well-known authors such as J. K. Rowling, Margaret Atwood, Alice Walker, Dean Koontz, and Neil Gaiman. Blackstone, a major provider of audiobooks, currently supplies ten new titles each month exclusively to Audible and does not allow libraries to purchase them until three months after release. Last year at this time, Macmillan, one of the “Big 5” publishers, was limiting library access to newly released titles for three months. Macmillan rescinded this policy during the pandemic but might revert to more restrictive policies in the future. These practices weigh most heavily on residents who cannot afford to buy the titles they would like to read.

Libraries are working very hard to narrow the digital divide by providing wireless access in library parking lots, loaning laptops and mobile hot-spots, using Bookmobiles as traveling hotspots to take internet to the far reaches of Maryland’s counties, and continuing to increase access to computers within library buildings. These important efforts are significantly hampered when libraries cannot obtain the underlying materials that are needed by library users.

The Montgomery County Department of Libraries strongly supports this bill and respectfully requests that the Senate Education, Health and Environmental Affairs Committee give the bill a favorable report.

# **SB432\_Caroline County.pdf**

Uploaded by: Meyer, Isaac

Position: FAV

## Testimony in Support of SB 432

Hearing Before the Education, Health and Environmental Affairs Committee: February 11, 2021

### Request this Committee give this bill a Favorable Report

Dear Chair Pinsky, Vice-Chair Kagan, and Distinguished Members of the Committee:

As the Executive Director of Carroll County Public Library, let me say “Thank you!” for your support of public libraries across the state and request your support of SB 432, Electronic Book Licenses – Access. This legislation requires a publisher who offers to license an electronic book to the public to also offer to license the 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. Additionally, SB 432 requires the license terms authorizing public libraries to provide access to electronic books to include certain limitations and measures.

A credit card should not be required to be an informed Marylander. Some current and past publisher practices hurt Maryland Library Readers. Currently, Amazon and Audible, which between them have over 20,000 “exclusive” titles, will license certain content to consumers but not to libraries. Much of this content is in high demand, including works by many well-known authors such as J. K. Rowling, Margaret Atwood, Alice Walker, Dean Koontz, Neil Gaiman, and others. A major provider of audiobooks, Blackstone, currently supplies ten new titles per month exclusively to Audible, disallowing the purchase of the titles by libraries for three months after release. This time last year, Macmillan, one of the “Big 5” publishers, was also limiting library access to titles for three months. Macmillan rescinded this policy during the pandemic but could revert to more restrictive policies later. SB 432 will simply allow Maryland libraries to provide this content. Such publisher practices weigh most heavy on those who are asset limited, as not everyone can afford to all the titles they would like to read and need to facilitate their academic growth.

There are several additional key facts that you should be aware of for SB 432:

- Libraries benefit publishers by allowing discovery of titles and often leading readers to find what they want to purchase. A Pew Report verified: “Looking specifically at library card holders, we find they are buyers as well as borrowers of books.”
- Libraries already follow all publisher license restrictions on the use of digital content, but HB518 stipulates that we will act fairly to prevent unauthorized use.
- Library digital content has built in protections to prevent unauthorized use and we rigorously protect author’s rights.
- Libraries pay agreed-upon prices and work with publishers as partners. Libraries simply want fair access for all Maryland readers.

Part of CCPL’s service to Maryland, beyond our work to serve the greater Carroll County area, is that we manage the operations of the Maryland Digital eLibrary Consortium. This group of 20 libraries work together to leverage our purchasing power and make as many titles as possible available to our customers.

Across Maryland, library customers read across all formats at all times, especially so during the pandemic where use of electronic books has grown over 50% from this same time period last year, with over 2.3 mil titles borrowed between July, 2020 and the end of January, 2021.

Thank you for your continued support of Maryland libraries. Please let me know if you would like to discuss the impact of this legislation in more detail.

Andrea

**Andrea Berstler | Executive Director**

Carroll County Public Library | Administrative Offices

1100 Green Valley Rd. New Windsor, MD 21776

*Legislative Officer / Immediate Past President, Maryland Library Association*

**SB432\_MLA.pdf**

Uploaded by: Meyer, Isaac

Position: FAV

**Testimony in support of  
SB 432 – Public Libraries – Electronic Book Licenses - Access  
House Ways and Means Committee  
February 11, 2021**

Honorable Committee Chair Pinsky, Vice Chair Kagan and Distinguished Senators:

On behalf of the Maryland Library Association and its members, which represent public, academic, school, and government libraries throughout the state, we ask your support for the passage of Sb432, Public Libraries-Electronic Book Licenses- Access. This bill will finally address a longstanding issue in the delivery of public library services throughout the state by requiring publishes to sell digital book licenses at fair and reasonable rates.

Since the advent of the eBook, public libraries have been subjected to predatory pricing and lending structures by publishers. This situation does not reflect publishers' consumer pricing model, nor the purchasing model for print books, where public libraries are simply charged the same consumer price for the book in order to make it accessible to the community. Purchasing an eBook license is another matter entirely. Publishers subject public libraries to pricing as much as three times the cost to consumers, delay or limit the availability of certain titles, and block access to some titles altogether. As an example, Amazon Audible publishing refuses to sell J.K. Rowling titles (author of the *Harry Potter* series) to public libraries for public circulation. These extremely biased practices place significant added cost burden on our county library systems, and worse, possibly, prevent all citizens from gaining equal access to literature and information in their communities. We firmly hold that no Marylander should be required to use a credit card in order to read a book.

The American Library Association and the Maryland Library community have attempted to negotiate fair terms and practices with publishers for more than a decade, with little success. On the advice of the Maryland Attorney General's office, we are instead pursuing this bold piece of legislation that reflects pioneering bills in New York and Rhode Island. While public libraries are named in the bill, academic and university libraries, K-12 school libraries, and all others who make digital content accessible to Marylanders will benefit from improved business terms and practices, allowing us all to direct precious taxpayer resources to where it is needed most in the state, and not in publishers' pockets.

Thank you for your support of this SB432, Maryland's Public Libraries, and Marylanders right to read widely and freely.

Sincerely,

Morgan Miller  
Executive Director, Cecil County Public Library  
*President- Maryland Library Association*

**SB432\_SMC.pdf**

Uploaded by: Meyer, Isaac

Position: FAV



Testimony in Support of SB 432  
St. Mary's County Library

Hearing Before the Education, Health and Environmental Affairs Committee: February 11, 2021  
I ask that this Committee give this bill a Favorable Report and move it forward

Dear Chair Pinsky, Vice Chair Kagan, and Members of the Committee,

I am writing today on behalf of the St. Mary's County Library, Maryland's Digital Library Consortium, the American Library Association's Joint Digital Content Working Group, and [ReadersFirst](#) (a 300 library international advocacy group) to ask that you support SB 432.

[Studies show](#) that certain publishers of digital content are increasingly offering ebooks and digital audiobooks that they will not share with libraries. Examples include Amazon and Audible, which between them shut libraries out of over 20,000 digital titles, including popular works in high-demand from J. K. Rowling, Margaret Atwood, Alice Walker, Dean Koontz, Neil Gaiman, and others. Some of the "Big 5" publishers, responsible for some 90% of best-selling books, have at times refused to make their content available, either in the first 90 days after publication or sometimes at all. Imagine if Maryland's Governor, or one of you, were to write a book that Marylanders could not access through your public library. Would you want library readers to be cut off from your work?

SB 432 will simply allow Maryland libraries to provide this content. These restrictive publisher practices weigh most heavily on those in straightened economic circumstances: not everyone can afford to buy all the titles they'd like to read. They also disadvantage all library readers in a time when the pandemic limits much borrowing of materials except digitally. Should a credit card purchase be required to be an informed Maryland resident?

SB 432 will also help us fulfill one of our most basic duties: preservation. We cannot preserve for the future items to which we have no access, and there is no guarantee that publishers will bother to maintain the intellectual record after titles are no longer of commercial interest.

Please note that this bill is not "anti-publisher." It is Pro-Maryland Library Reader. Libraries pay publishers for access to content, and this bill deliberately says only that terms must be "reasonable." Legislators are not being asked to intervene in the marketplace between publishers and libraries. Publishers will continue to have full say in what are reasonable prices. Libraries and publishers will negotiate costs for their mutual benefit. The bill also has provisions ensuring that libraries will make content fairly available under agreed-upon terms. These provisions should reassure publishers, though library digital content has built-in protections to prevent unauthorized use and we rigorously protect author's rights. We pay agreed-upon prices and work with the publishers as partners. We just want fair access for Maryland library readers.

Thank you for your consideration and your support of Maryland's library readers.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Blackwell".

Michael Blackwell, Library Director, St. Mary's County Library  
Cell phone: 301-904-3048; [mblackwell@stmalib.org](mailto:mblackwell@stmalib.org)

Administrative Offices  
23630 Hayden Farm Lane  
Leonardtown, MD 20650  
301-475-2151  
FAX: 301-884-4415  
[info@stmalib.org](mailto:info@stmalib.org)

Charlotte Hall Library  
37600 New Market Road  
Charlotte Hall, MD 20622  
301-884-2211  
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[hall.manager@stmalib.org](mailto:hall.manager@stmalib.org)

Leonardtown Library  
23630 Hayden Farm Lane  
Leonardtown, MD 20650  
301-475-2846  
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Lexington Park Library  
21677 FDR Blvd  
Lexington Park, MD 20653  
301-863-8188  
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**SB0432-803628-01.pdf**

Uploaded by: Horton, Patty

Position: FWA



**SB0432/803628/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

04 FEB 21  
14:16:45

BY: Senator King  
(To be offered in the Education, Health, and Environmental  
Affairs Committee)

AMENDMENT TO SENATE BILL 432

(First Reading File Bill)

On page 2, in line 3, after “**BEEN**” insert “;”; in line 4, strike “**CONVERTED**” and substitute:

“(1) CONVERTED”;

and in line 5, after “**DEVICE**” insert “; **OR**”

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

# **SB432-King-sponsor testimony.pdf**

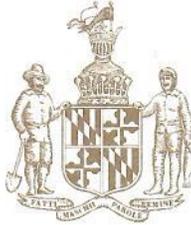
Uploaded by: Horton, Patty

Position: FWA

NANCY J. KING  
Legislative District 39  
Montgomery County  

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MAJORITY LEADER



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

SPONSOR STATEMENT

**Senate Bill 432 – Public Libraries – Electronic Book Licenses - Access**

February 11, 2021

Mister Chairman and Members of the Senate Education, Health and Environmental Affairs Committee:

Senate Bill 432 will require a publisher who offers to license an electronic book to the public to also offer reasonable terms that would allow public libraries to provide their patrons access to the electronic book.

The terms stated in the bill language will allow publishers to:

- Limit the number of users a public library may simultaneously allow to access an electronic book
- Limit the number of days a public library may allow a user to access an electronic book
- Require public libraries to use technological protection measures that would prevent a user from maintaining access to an electronic book beyond the access period and would prevent users from allowing other to access an electronic book.

Senate Bill 432 also requires that electronic book licenses be made available to public libraries on the same day that it is made available to the public.

Current and past publisher practices have impeded public library patron's access to electronic books. Large publishers like Amazon and Audible (a subsidiary of and exclusive provider of electronic audiobooks to Amazon), have over 20,000 "exclusive" titles which they will license to individuals, but not to public libraries. And some publishers who do license to public libraries will do so only after the title has been out for three months or more.

This bill does not set pricing on titles, it merely stipulates that terms be reasonable. Currently libraries pay much higher prices for content than consumers. For example, the New York Times bestseller *Ready Player Two* has a list price of \$22.05 and the consumer can keep this electronic book forever. The same book license for a public library costs \$95 and the library has to renew that license after two years.

I am also offering an amendment that will include audiobooks as part of this legislation.

This legislation will protect our public library users, and allow our public libraries to continue their mission of offering free and open access to a broad range of materials and services, and so I respectfully request a favorable report on Senate Bill 432 with amendments.

**SB 432.pdf**

Uploaded by: Young, Ron

Position: FWA



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## OFFICE OF THE COUNTY EXECUTIVE

**BILL:** Senate Bill 432 – Public Libraries – Electronic Book Licenses - Access

**SPONSOR:** Senator King

**HEARING DATE:** February 11, 2021

**COMMITTEE:** Education, Health, and Environmental Affairs

**CONTACT:** Intergovernmental Affairs Office, 301-780-8411

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**POSITION:** SUPPORT WITH AMENDMENTS

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The Office of the Prince George's County Executive **SUPPORTS Senate Bill 432**, which allows public libraries including Prince George's County Memorial Library System and thus the residents of the county, access to electronic books under reasonable terms while complying with the publishers' licensing terms. The reasonable terms include allowing public libraries to purchase electronic books on the same day as the public and in the quantity needed to meet the demand of residents. This office supports Senator King's amendments to expand the scope of the bill to include electronic audiobooks.

Due to their costs or other reasons, for many Prince George's County residents, the public library is their only viable option for reading or listening to electronic books. Those who cannot—or choose not to—spend money on a copy of an electronic book pay taxes to support public libraries, which spend funds to acquire these publications. For the calendar year 2019, Prince George's County Memorial Library System (PGCMLS) circulated 270,755 electronic books. For the calendar year 2020, PGCMLS circulated 392,234 electronic books, representing an incredible 45% year-over-year increase. Similarly, for the calendar year 2019, PGCMLS circulated 232,680 electronic audiobooks. For the calendar year 2020, PGCMLS circulated 268,595 electronic audiobooks, representing a 16% year-over-year increase. Though not as impressive as the ebook increase, this is still a decent growth figure. Since last March, when the pandemic first hit, electronic books in both formats have become more important than ever. Due to COVID-related closures during this time, electronic books were often the only books available to our community.

Our community expects public libraries to provide access to new electronic titles right away. Publishers currently place many restrictions that negatively affect Prince

George's County Memorial Library System's ability to provide residents with electronic books. These include excessive pricing for licenses, which can run two or three or more times the cost of the same content purchased by a private customer on the open market. **Senate Bill 432** remedies several of these restrictions by securing Prince George's County Memorial Library System's ability to purchase electronic books and electronic audiobooks the same day as the public and to purchase sufficient copies to meet residents' demand at fair prices.

Please consider that libraries provide free publicity to publishers and authors by purchasing, promoting their titles, and hosting many authors for events each year. This has a positive impact on the publishers' bottom lines. Libraries provide a public good by providing materials in many formats, thus increasing accessibility to those who cannot use printed material. Publishers sell one of the most important creations of a civilized society—books--we ask them to consider the benefits of contributing to the public good and their bottom line. The residents of Prince George's County stand to benefit from the passage of **Senate Bill 432**.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 432 WITH AMENDMENTS offered by the sponsor to include electronic audiobooks** and asks for a **FAVORABLE** report.