

HOUSE No. 4120

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act modernizing library access to electronic books and digital audiobooks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>8/13/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>8/16/2021</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>8/16/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>8/16/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>8/16/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>8/16/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>8/18/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>8/18/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>8/20/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>8/20/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>8/23/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>8/26/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>8/31/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>9/8/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/8/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>9/8/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>11/23/2021</i>

HOUSE No. 4120

By Ms. Balsler of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balsler and others relative to library access to electronic books and digital audiobooks. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act modernizing library access to electronic books and digital audiobooks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 78 of the General Laws is hereby amended by adding the following section:-

2 Section 35. (a) As used in this section the following terms shall, unless the context clearly
3 requires otherwise, have the following meanings:

4 "Digital audiobook", a published work that has been converted into a voice recording and
5 released in a digital audio file to be listened to on a computer, tablet, smart phone or electronic
6 device.

7 "Electronic book", a text document that has been converted into or published in a digital
8 format that is read on a computer, tablet, smart phone or electronic device.

9 "Publisher", a person whose business is the manufacture, promulgation or sale of books,
10 electronic books, digital audiobooks, journals, magazines, newspapers or other literary

11 productions, including those in digital form consisting of text, audio recording, imagery or any
12 combination of text, audio recording and imagery.

13 (b) Any publisher who offers to license electronic books and digital audiobooks to the
14 public shall offer to license the electronic books and digital audiobooks to libraries in the
15 commonwealth on reasonable terms that would permit the libraries to provide their users with
16 access to the electronic books and digital audiobooks. These licenses shall be available to all
17 types of libraries in the commonwealth, including, but not limited to, school libraries, public
18 libraries, academic libraries, and tribal libraries.

19 Reasonable terms shall include:

20 (i) A limitation on the number of users to whom the libraries may simultaneously provide
21 access to the electronic books or digital audiobooks;

22 (ii) A limitation on the number of days the libraries may provide a user with access to the
23 electronic books or digital audiobooks; and

24 (iii) The use of technological protection measures that would prevent a user from (1)
25 maintaining access to the electronic books or digital audiobooks beyond the access period set
26 forth in the license and (2) providing other users with access to the electronic books and digital
27 audiobooks.

28 Reasonable terms shall not include a limitation on the number of licenses for electronic
29 books that libraries may purchase on the same date available to the public.

30 (c) A violation of this section shall be deemed an unfair and deceptive trade practice in
31 violation of section 2 of chapter 93A.