SENATE DOCKET, NO. 69 FILED ON: 1/10/2023

SENATE . . . . . No. 2188

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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:	
Anne M. Gobi	*Worcester and Hampshire*	
Danillo A. Sena	*37th Middlesex*	*3/6/2023*
John F. Keenan	*Norfolk and Plymouth*	*3/17/2023*
Mathew J. Muratore	*1st Plymouth*	*3/24/2023*
Norman J. Orrall	*12th Bristol*	*5/23/2023*
Nick Collins	*First Suffolk*	*1/19/2024*

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SENATE . . . . . No. 2188

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2188) of Anne M. Gobi and Danillo A. Sena for legislation to modernize library access to electronic books and digital audiobooks. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE DOCKET, NO. *2749* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

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

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

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

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

"Publisher", a person whose business is the manufacture, promulgation or sale of books, electronic books, digital audiobooks, journals, magazines, newspapers or other literary productions, including those in digital form consisting of text, audio recording, imagery or any combination of text, audio recording and imagery.

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

Reasonable terms shall include:

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

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

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

Reasonable terms shall not include a limitation on the number of licenses for electronic 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.