

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Brian W. Murray*

*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 addressing challenges facing public libraries and digital resource collections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/14/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act addressing challenges facing public libraries and digital resource collections.

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

1 SECTION 1. The general court finds and declares that:

2 (i) libraries serve the public good, and all citizens of the commonwealth stand to gain  
3 from the services rendered and the materials contained within library collections;

4 (ii) the general court has a historic responsibility in supporting public libraries and the  
5 public’s access to free access to diverse resources to everyone, as it did in 1848 by establishing  
6 the Boston public library as the first large free municipal library in the United States; and (iii) the  
7 evolution of resource production and publishing and the advent of technology has changed the  
8 way consumers and libraries source and use materials, and in order to serve the public good,  
9 libraries increasingly use digital and electronic materials and technology.

10 SECTION 2. Chapter 78 of the General Laws is hereby amended by adding the  
11 following 11 section:-

12 Section 35. (a) A contract between a library and a publisher shall contain no provision  
13 that:

14 (i) restricts the library from disclosing any terms of its license agreements to other  
15 libraries, the legislature, the attorney general, or the board of library commissioners; or (ii)  
16 requires, coerces or enables the library to violate the confidentiality of a patron's library records,  
17 pursuant to section 7.

18 (b) A contract between a publisher and library to license electronic literary materials that  
19 includes a provision that violates this section shall constitute an unfair and deceptive practice  
20 under section 2 of chapter 93A. Any remedy provided pursuant to said chapter 93A shall be  
21 available for the enforcement of this section.

22 SECTION 3. As used in sections 1 through 4, inclusive, the following words shall,  
23 unless the context otherwise requires, have the following meanings:

24 "Access", any proper means by which a person may read or use digital resources, print  
25 materials, records and other information held by a library.

26 "Digital resources", any books, textbooks, workbooks, videos, databases, newspapers,  
27 magazines, periodicals, charts, graphs, movies, games, maps, interactive applications, software  
28 and other such enrichment or entertainment materials in any electronic format, inclusive of  
29 fiction and nonfiction.

30 "Print materials", primarily paper-based materials found in physical or hard-copy  
31 format, inclusive of fiction and nonfiction.

32 SECTION 4. (a) There shall be established, pursuant to section 2A of chapter 4 of the  
33 General Laws, a special legislative commission to be known as the special commission to assess  
34 and address challenges facing public libraries and digital resource collections. (b) The  
35 commission shall: (i) study the cost trends and expenditures of the commonwealth's public,  
36 school and research libraries as it relates to digital resources and their overall collections; (ii)  
37 study consumer use of, and satisfaction with, digital resources; (iii) research the opinions of legal  
38 experts and scholars as it relates to the differences between existing licensing for digital  
39 resources and the use of print materials and how these differences may impact consumer  
40 experience and access to diverse collections; (iv) research and describe how patron privacy  
41 records and metadata are kept, used, accessed and sold as it relates to patrons using and  
42 accessing digital and electronic resources through a public library, make recommendations  
43 addressing the security and privacy of data related to digital resources, if needed; (v) identify and  
44 describe concerns, if any, regarding consumer protection and access issues that emerge  
45 surrounding digital collections; (vi) investigate and summarize the actions of other states in  
46 addressing digital collection creation; (vii) examine the impact of licensed electronic literary  
47 resources on library users; and (viii) recommend legislative and executive action to: (A) support  
48 the sustainability of diverse digital and electronic resource collections in the commonwealth's  
49 public libraries, (B) better support its residents to access diverse digital and electronic resources,  
50 (C) uphold the historic responsibility of the commonwealth's libraries to making public lending  
51 available to all residents and meet their mission in an increasingly digital world, and (D) protect  
52 data related to readers use of resources. (c) The commission shall consist of the following  
53 members: 2 members of the house of representatives, 1 of whom shall be named a co-chair of the  
54 commission, appointed by the speaker of the house; 2 members of the senate, 1 of whom shall be

55 named a co-chair of the commission, appointed by the senate president; the executive director of  
56 the board of library commissioners, or a designee; the president of the Massachusetts Library  
57 Association, or a designee; the president of the Massachusetts School Library Association, or a  
58 designee; the president of the Boston public library, or a designee; the executive director of the  
59 Massachusetts Center for the Book, or a designee; the attorney general, or a designee; 7 members  
60 who shall be appointed by the governor, 1 of whom shall be the Director of the Massachusetts  
61 Office on Disability or a designee, 1 of whom shall be a research librarian from a public tier 1  
62 research institution of higher education, 1 of whom shall be a representative of the Association of  
63 American Publishers, 1 of whom shall be a representative of a digital distributor of ebooks, such  
64 as Overdrive, Inc., 1 of whom shall be an expert in the field of intellectual property or copyright  
65 law, and 1 of whom shall be an expert in consumer protection laws in the commonwealth. (d)  
66 The chairs shall direct the schedule and work of the commission. A simple majority vote of the  
67 commission members present may be requested for any actions of the commission and all  
68 members of the commission shall have a vote. The chairs may create subgroups to focus on  
69 specific responsibilities of the commission. The chairs may invite guests to participate in  
70 meetings as speakers. (e) The commission may seek assistance from outside experts at the  
71 discretion of the chairs. The commission may use consulting and research firms in the course of  
72 its study, subject to appropriation. (f) No later than December 31, 2026, the commission shall  
73 submit a report with its findings and any recommendations to the clerks of the house of  
74 representatives and senate, the governor, and the attorney general.