HAUSE BILL 518

ENROLLED BILL
— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by Delegate Dumais

Read and Examined by Proofreaders:

_______________________________________________
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of ______________ at __________________ o’clock, ______M.

______________________________________________
Speaker.

CHAPTER _____

1 AN ACT concerning

2 Public Libraries – Electronic Book Literary Product Licenses – Access

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

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.
Italics indicate opposite chamber/conference committee amendments.
BY adding to

Article – Education

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

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 7. ELECTRONIC BOOK LITERARY PRODUCT LICENSES.

23–701.

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

(B) “ELECTRONIC BOOK LITERARY PRODUCT” MEANS A:

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

(2) AN AUDIO RECORDING OF A TEXT DOCUMENT, READ OUT LOUD 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, AUDIO BOOKS, JOURNALS, MAGAZINES, NEWSPAPERS, OR OTHER LITERARY PRODUCTIONS, INCLUDING THOSE IN DIGITAL FORM, THAT CONSIST OF TEXT, IMAGERY, OR BOTH AUDIO RECORDINGS, OR ANY COMBINATION OF TEXT, IMAGE, AND AUDIO RECORDING.

(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 LITERARY PRODUCT TO THE PUBLIC ALSO SHALL OFFER TO LICENSE THE ELECTRONIC BOOK LITERARY PRODUCT TO PUBLIC LIBRARIES IN THE STATE ON REASONABLE TERMS THAT
WOULD ENABLE PUBLIC LIBRARIES TO PROVIDE LIBRARY USERS WITH ACCESS TO THE ELECTRONIC BOOK LITERARY PRODUCT.

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

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

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

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

   (I) MAINTAINING ACCESS TO AN ELECTRONIC BOOK LITERARY PRODUCT BEYOND THE ACCESS PERIOD SPECIFIED IN THE LICENSE; AND

   (II) ALLOWING OTHER USERS TO ACCESS AN ELECTRONIC BOOK LITERARY PRODUCT.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021 January 1, 2022.