

**Testimony in support of**

**HB518 – Public Libraries – Electronic Book Licenses - Access**

**House Ways and Means Committee**

**Friday, February 5, 2021**

Honorable Committee Chair Kaiser, Vice Chair Washington and Distinguished Delegates:

Public libraries have traditionally served as equalizers within the communities they serve by providing access to information for the citizens of those communities regardless of any individual's financial or life circumstances. Prince George's County Memorial Library System (PGCMLS) supports HB 518 / SB 432 to ensure that citizens have continued fair access to electronic books. Due to their costs or other reasons, for many citizens, 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 nonetheless pay taxes to support public libraries, which do spend money on the book. In these challenging times, providing this content to the public is more important than ever.

For the calendar year 2019, 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. Since last March when the pandemic first hit, electronic books have become more important than ever. Due to COVID-related closures during this time, they were often the only written books available to our community. This will likely continue into the future.

Our community expects public libraries to provide access to new titles right away. Publishers currently place many restrictions that negatively affect public libraries' ability to provide citizens with electronic books in a timely manner. These restrictions include excessive pricing for licenses, which can run two, three, or even more times the cost of the same content purchased by a private customer on the open market as well as time restrictions on the licensing of the content. HB 0518 / SB 432 remedies several of these restrictions by securing public libraries' ability to purchase electronic books the same day as the general public and to purchase sufficient numbers of copies to meet citizens' demand at fair prices.

Libraries are used to paying much more for access to electronic book content. A typical electronic book often costs an individual consumer less than \$20.00 for unlimited perpetual access, while libraries typically must pay \$55.00, \$95.00, or even more for a limited time license

(often 24 months) to access the content. Libraries then have to repurchase access to the same content at the end of the licensing period, severely curtailing our ability to fulfill one of libraries' most important functions, preservation of our collective history. We pay these agreed-upon prices, adhere to these restrictions for content, and work with the publishers as partners in order to fulfill our mission of providing fair access to information for all in our communities.

We see HB 518 / SB 432 as helping the people of Maryland, creating an informed citizenry. Some current and past publisher practices have hurt citizens by placing limitations on access to their content. For example, Amazon/Audible have between them over 20,000 "exclusive" titles from various publishers, which they license to consumers, but not to libraries at all at any price. Another publisher, Blackstone Audio, currently supplies ten new titles per month exclusively to Audible, embargoing the purchase of the content by libraries for three months after release. Last year at this time, Macmillan, one of the largest of the major publishers, was also limiting library access to their content for three months. Although they rescinded this policy due to the pandemic, Macmillan could revert back to these restrictive policies at any time.

518 / SB 432 deliberately does not set prices or dictate terms of licensing. It simply asks that the terms be reasonable. We are not asking that legislators intervene in the marketplace between publishers and libraries; both will continue to negotiate costs for their mutual benefit. Libraries already follow all publisher license restrictions on the use of digital content, but HB518 / SB 432 stipulates that we will act fairly to prevent unauthorized use. Library digital content already has built-in protections to prevent unauthorized use and libraries will rigorously work to protect author's rights just as we always have.

We as libraries are simply asking to be treated the same as any consumer of the publishers' content. We recognize that prices may be higher for libraries versus consumers (they always have been) and that access terms may be different. But restricting what and when libraries can purchase that content is inherently unfair as libraries are consumers as well--consumers that are entrusted with their communities' tax dollars to purchase content on their behalf. We feel that HB 518 / SB 432 will accomplish this and respectfully ask for your support in passing this legislation.

Sincerely,



Roberta Phillips, CEO Prince George's Co. Memorial Library System



Blane Halliday, Director for Collection Strategies