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The Maryland House of Delegates

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Testimony in Support of House Bill 518 – Public Libraries – Electronic Book Licenses -- Access

Good afternoon Madam Chair and members of the Committee. Thank you for the opportunity to speak to you on behalf of **House Bill 518 – Public Libraries – Electronic Book Licenses – Access**.

House Bill 518 would require a publisher who offers to license an electronic book to the public to also offer to license the electronic book to public libraries on terms reasonable enough to enable public libraries to provide their patrons access to the electronic book.

The terms the bill lays out include:

1. Limiting the number of users a public library may simultaneously allow to access an electronic book.
2. Limiting the number of days a public library may allow a user to access an electronic book.
3. Implementing technological protection measures that prevent a user from maintaining access to the electronic book beyond the specified access period and prevent a user from allowing other users to access an electronic book.

This bill aims to be pro-reader, not anti-publisher. Some current and past publisher practices impede Maryland's library patrons access to books. For example, Amazon and Audible currently have between them over 20,000 "exclusive" titles. They will license these titles -- which include high demand content by J.K. Rowling, Margaret Atwood, Alice Walker, Dean Kootz, Neil Gaiman, and others -- to consumers, but not to libraries. Additionally, Blackstone, a major provider of audiobooks, currently supplies 10 new titles per month exclusively to Audible. Libraries are not allowed to purchase these titles for three months after release. Macmillan similarly has limited library access to titles for three months, although the publisher rescinded this policy during the pandemic. Macmillan could revert to more restrictive policies later.

Libraries work with publishers, paying for all content and ensuring it is fairly used. Publishers benefit from their relationship with libraries because libraries promote the discovery of titles, often leading readers to a purchase. As a Pew Report concluded, "Looking specifically

at library card holders, we find they are buyers as well as borrowers of books.” In addition to promoting publisher content, libraries pay much higher prices for this content than consumers pay. An electronic book that might cost an individual \$9.99 to \$14.99 will typically cost libraries \$55 to \$65 for a two year license. A digital audio that might cost an individual \$20 may cost a library \$95. Attached to this testimony you will find some comparisons of consumer and library price points. Also attached is amendment language, the purpose of which is to add electronic and digital audio books to the definition of electronic book.

This legislation will not set prices. It merely stipulates that terms be reasonable, anticipating that publishers and libraries will negotiate mutually beneficial terms.

House Bill 518 will be a tremendous asset to our public libraries as they strive to fulfill their dual missions of preserving the written word and providing the public free access to the widest possible array of books and knowledge.

Joining me in support of this measure are Michael Blackwell, Director of St. Mary’s County Library; Tonya Aikens, CEO of Howard County Public Library; and Blane Halliday, Director for Collection Strategies, Prince Georges County Public Library. I respectfully request a favorable report for House Bill 518.

Some recent price figures:

Digital Audiobooks (based on NYT Best Sellers, Dec. 2020), from a forthcoming article:

Title	Consumer price	Library price
Ready Player Two	\$22.05	\$95.00
Deadly Cross	\$21.55	\$65.00
The Return	\$21.55	\$65.00
A Time for Mercy	\$22.05	\$95.00
Daylight	\$21.55	\$65.00
The Awakening	\$19.59	\$69.99
The Law of Innocence	\$21.55	\$65.00
Rhythm of War	\$46.54	\$99.99
The Sentinel	\$22.05	\$95.00
The Vanishing Half	\$22.05	\$95.00
Fortune and Glory	\$14.69	\$59.99
Where the Crawdads Sing	\$22.05	\$66.50
Anxious People	\$14.69	\$79.99
The Invisible Life of Addie Larue	\$32.82	\$69.99
A Promised Land	\$31.85	\$95.00
Greenlights	\$19.60	\$66.50
Dolly Parton, Songteller: My Life in Lyrics	\$22.04	\$51.00
Becoming	\$25.00	\$95.00
No Time Like the Future: An Optimist Considers Mortality	\$14.69	\$39.99
Modern Warriors: Real Stories from Real Heroes	\$16.76	\$52.48
Caste: The Origins of Our Discontents	\$31.50	\$95.00
Is This Anything?	\$14.69	\$79.99
Saving Freedom: Truman, the Cold War, and the Fight for Western Civilization	\$19.16	\$59.98
Untamed	\$22.05	\$66.50
The Answer Is...: Reflections on My Life	\$14.69	\$59.99
Killing Crazy Horse: The Merciless Indian Wars in America	\$19.59	\$49.99
Uncomfortable Conversations With a Black Man	\$12.24	\$29.99
Frontier Follies: Adventures in Marriage & Motherhood in the Middle of Nowhere	\$16.76	\$52.48

From a [study](#) done in September of 2019:

Title	Consumer ebook	Library ebook	Consumer e-audiobook	Library e-audiobook
The Institute by Stephen King	14.99	59.99	14.95	99.99
The Testaments by Margaret Atwood	14.99	55	14.95	95
Where the Crawdads Sing by Delia Owens	14.99	55	14.95	66.5
The Goldfinch by Donna Tartt	11.99	65	14.95	65
The Titanic Secret by Clive Cussler	14.99	55	14.95	95
Total cost	71.95	289.99	74.75	421.49

House Bill 518
Public Libraries – Electronic Books - Access

Amendments offered by the Maryland Association of Public Library Administrators

Amendment No. 1

On page 2, in line 5, after “DEVICE”, insert: “, **INCLUDING A TEXT DOCUMENT THAT HAS BEEN READ ALOUD AND RECORDED AND LISTENED TO ON A COMPUTER, TABLET, SMARTPHONE, OR OTHER ELECTRONIC DEVICE**”

Explanation: This amendment adds electronic and digital audio books to the definition of electronic book.