

# SENATE BILL NO. 1095

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

5195S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to electronic literary product licenses.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 407, RSMo, is amended by adding thereto  
2 two new sections, to be known as sections 407.1670 and 407.1675,  
3 to read as follows:

**407.1670. For purposes of section 407.1675, the**  
2 **following terms mean:**

3 (1) "Electronic literary product":

4 (a) A text document that has been converted into or  
5 published in a digital format that is read on a computer,  
6 tablet, smart phone, or other electronic device; or

7 (b) An audio recording of a text document, read out  
8 loud in a format that is listened to on a computer, tablet,  
9 smart phone, or other electronic device;

10 (2) "Public library", any library established under  
11 sections 182.010 to 182.723;

12 (3) "Publisher", a person or entity in the business of  
13 manufacturing, promulgating, and selling books, audio books,  
14 journals, magazines, newspapers, or other literary products,  
15 including products in a digital format, that consist of  
16 text, imagery, audio recordings, or any combination of text,  
17 imagery, and audio recordings;

18           (4) "Unfair, abusive, or deceptive trade practice",  
19 any practice that violates the provisions of section 407.020.

          407.1675. 1. A publisher who offers to license an  
2 electronic literary product to the public shall also offer  
3 to license the electronic literary product to public  
4 libraries and shall do so on reasonably similar terms as  
5 those offered to the public, including, but not limited to,  
6 price, license duration, and license availability, to enable  
7 public libraries to provide library users with access to the  
8 electronic literary product.

9           2. Notwithstanding the provisions of subsection 1 of  
10 this section to the contrary, the terms of a license for an  
11 electronic literary product may include:

12           (1) A reasonable limitation on the number of users a  
13 public library may simultaneously allow to access an  
14 electronic literary product;

15           (2) A reasonable limitation on the number of days a  
16 public library may allow a user to access an electronic  
17 literary product;

18           (3) A requirement for the use of technological  
19 protection measures that would reasonably prevent a user  
20 from maintaining access to an electronic literary product  
21 beyond the access period specified in the license; and

22           (4) A requirement for the use of technological  
23 protection measures that would reasonably prevent other  
24 users from obtaining unauthorized access to the electronic  
25 literary product.

26           3. The terms of a license shall not include a  
27 limitation on the number of electronic literary product  
28 licenses a public library may purchase on the same date the  
29 electronic literary product license is made available to the  
30 public or on any later date.

31           4. A violation of this section shall constitute an  
32 unfair, abusive, or deceptive trade practice and is subject  
33 to enforcement in accordance with sections 407.005 to  
34 407.145.

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