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## SENATE BILL NO. 1528

Offered January 20, 2023

A *BILL to amend and reenact § 42.1-10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 42.1-33.1, relating to libraries; acquisition of books and other library matter; electronic literary material.*

Patron—Marsden

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That § 42.1-10 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 42.1-33.1 as follows:**

**§ 42.1-10. Acquisition of books and other library matter.**

A. The Library may from time to time acquire books and other library matter by gift, purchase, exchange or loan. And the Library shall cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, or other library material, relating to the history of Virginia, not now in The Library of Virginia, which can be obtained on reasonable terms.

B. No contract offered by a publisher to license any electronic literary material to the Library shall contain any provision that:

1. Precludes, limits, or restricts the Library from licensing any electronic literary material; employing technological protection measures as necessary to loan any electronic literary material; making nonpublic any preservation copies of any electronic literary material; loaning any electronic literary material via interlibrary loan systems to Library patrons; determining loan periods for any licensed electronic literary material; or disclosing any terms of any licensing contact to other libraries;

2. Restricts the number of licenses for any electronic literary material that the Library may acquire after the same item is made available to the public;

3. Requires the Library to acquire a license for any electronic literary material at a price substantially greater than that charged to the public for the same item; or

4. Requires the Library to pay a cost-per-circulation fee to loan any electronic literary material, unless substantially lower in aggregate than the cost of purchasing the item outright.

C. Any violation of the provisions of subsection B shall be subject to any and all enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

**§ 42.1-33.1. Acquisition of electronic books.**

A. No contract offered by a publisher to license any electronic literary material to a library shall contain any provision that:

1. Precludes, limits, or restricts a library from licensing any electronic literary material; employing technological protection measures as necessary to loan any electronic literary material; making nonpublic any preservation copies of any electronic literary material; loaning any electronic literary material via interlibrary loan systems to library patrons; determining loan periods for any licensed electronic literary material; or disclosing any terms of any licensing contact to other libraries;

2. Restricts the number of licenses for any electronic literary material that a library may acquire after the same item is made available to the public;

3. Requires a library to acquire a license for any electronic literary material at a price substantially greater than that charged to the public for the same item; or

4. Requires a library to pay a cost-per-circulation fee to loan any electronic literary material, unless substantially lower in aggregate than the cost of purchasing the item outright.

B. Any violation of the provisions of subsection A shall be subject to any and all enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

INTRODUCED

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