



THE LEADING ADVOCATE FOR THE MARYLAND LIBRARY COMMUNITY

**PRESS RELEASE**

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**Maryland First in Nation to Ensure Equal Access to E-books for Public Libraries**

*Annapolis, Maryland* –The Maryland Library Association praised legislation that became law today, which ensures the right of public libraries in Maryland to purchase and lend e-books and digital audiobooks, setting a precedent nationwide.

The **Public Libraries – Electronic Literary Product Licenses – Access (HB518/SB432)** law, which goes into effect on January 1, 2022, requires “a publisher who offers to license an electronic literary product to the public to also offer to license the product to public libraries in the State on reasonable terms that would enable public libraries to provide library users with access to the electronic literary product.”

For libraries nationwide, the terms for acquiring electronic materials are increasingly prohibitive. Currently, libraries pay up to five times more than individuals for an e-book or digital audiobook title and have access to the title for only two years or a limited number of circulations before the license expires. Amazon, now a major publisher of e-books and digital audiobooks, refuses to sell any of its exclusive titles to libraries. In contrast to licensing terms for digital content, libraries purchase (often at a discount from publishers) and lend print titles without restriction.

“This new law affirms the value and mission of Maryland’s libraries to provide equitable access to a broad range of high-quality informational and literary works – in any format,” said Maryland Library Association President Morgan Miller. “Since the pandemic struck, the demand for online content has never been greater, but the disparity in equal access has never been so stark. More Marylanders are borrowing a limited number of titles, often at higher costs to libraries.

“All Marylanders deserve the same access to digital content as the retail marketplace. Patrons should not be punished with lack of access to e-books or audiobooks because neither they nor their libraries can afford the outrageous prices. A credit card should not be a requirement to be an informed reader.”

The [Maryland Digital e-Library Consortium](http://MarylandDigitalE-LibraryConsortium.org), which provides fee-free access to e-books and digital audiobooks, circulated more than three million digital items between March 2020 and March 2021, a 49 percent increase from the previous year. Comprised of 21 of Maryland’s 24 public library systems\*, and supported by the Maryland State Library, the consortium pools the buying power of the state’s public libraries.

Previous to the pandemic-induced surge in demand in 2020, libraries were a critical access point to e-books and audiobooks, especially for those with disabilities or with low incomes.

State Librarian Irene Padilla said, “Maryland libraries thank our legislators for protecting Maryland residents’ rights to read and equitable access to information and digital content. We appreciate the value and respect that they have shown for libraries and our patrons.”

The groundbreaking bipartisan legislation in Maryland, originally sponsored by State Senator Nancy King and Delegate Kathleen Dumais, is the first state mandate to ensure libraries the right to license and lend electronic works available in the consumer marketplace. The Maryland law may encourage other states to proceed with their own laws or regulations and serves as a harbinger of change at the national level. While the federal government does not currently regulate the digital marketplace, the appetite for addressing abusive marketplace practices is increasing in Congress.

At the request of the House Committee on the Judiciary, the [American Library Association contributed](#) to the Committee’s 2019 investigation into competition in digital markets. The ALA report argued that “current policies and practices in digital markets limit libraries’ ability to deliver core services. These practices threaten Americans’ right to read what and how they choose, and imperil other fundamental First Amendment freedoms.”

ALA President Julius C. Jefferson, Jr., joined the Maryland Library Association in welcoming the new law. “The only way to ensure equitable and sustained access to original digital content from publishers such as Amazon, as well as services like Netflix or Spotify, for future generations is to restore libraries’ ability to lend and preserve all content,” said Jefferson. “After decades of negotiating with publishers for full digital market access and fair pricing for library licensing, it is clear that full public access to digital materials will require legislative action. ALA applauds the Maryland legislature for making the first move at the state level, and we will support additional efforts to ensure access for the public.”

“Our state’s new law honors the reading ecosystem,” said Miller, “by providing a fair framework for libraries to share titles, while respecting the publishers’ rights to license content and an author’s need for fair compensation. Our legislators have focused on equity of access to content and not interfered in the publishing business and library marketplace by setting specific terms.

“Libraries look forward to working with publishers in mutually beneficial agreements for the good of Maryland readers and learners.”

\* Three of Maryland’s largest library systems – Baltimore County Public Library, Montgomery County Public Libraries and the Prince George’s County Memorial Library System – do not participate in the Maryland Digital e-Library Consortium.

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