

Subject Libraries  
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## Overview

This bill regulates contracts between libraries and publishers for digital audiobooks and electronic books. It applies to a library that provides free access to residents of a city or county, receives at least half its support from public funds, and is organized under chapter 134, excluding specialized libraries, like a law or a medical library. It also applies to school libraries and media centers operated by districts, charter schools, and cooperative units, as well as Minitex, which is located at the University of Minnesota Twin Cities.

## Summary

Section	Description
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1	<b>Electronic book and digital audiobook licenses</b>
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**Subd. 1. Definitions.** Defines terms, including:

- “aggregator” means a person in the business of licensing access to electronic literary material collections that include electronic literary material from multiple publishers;
- “electronic literary materials” means any digital audiobook or electronic book; and
- “technological protection measure” means any technology that enhances the security of loaning or circulating electronic literary materials by a library.

**Subd. 2. Applicability.** Requires the state librarian to certify to the secretary of state each quarter the number of states that have enacted a law substantially similar to this section until the number reaches the aggregate population requirement. The secretary of state determines when the threshold population requirement of at least 7 million is met, and 30 days later, the state librarian must notify the commissioner of education and all libraries operated by the state of the determination and the date the requirements of the section become effective (60 days after the secretary of state’s determination). The secretary of state must notify the revisor of the determination and the effective date, as well

Section	Description
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as all counties, cities, and towns, while the commissioner notifies all public schools. The determination and effective date must also be posted on the secretary of state and Department of Education websites.

**Subd. 3. Contract requirements.** After the effective date, a library cannot enter into or renew a contract or license agreement with a publisher that precludes, limits, or restricts the library from performing operational or lending functions, including specified functions. Some of the prohibited provisions are:

- limits on the number of times the library may loan electronic library material over the course of a contract that also limits the library's loan period; and
- restrictions on the duration of a contract for electronic literary material unless the library also has the option of a contract or license agreement on "commercially reasonable terms in consideration of the library's mission" that either is based on a pay-per-use model or provides for the perpetual public use of the electronic literary material.



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