



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5279

Introduced 2/10/2026, by Rep. Nabeela Syed

#### SYNOPSIS AS INTRODUCED:

New Act  
815 ILCS 505/2MMMM new

Amends the Digital Library Protection Act. Provides that no publisher shall enter into a contract or license agreement to distribute electronic literary materials to a library that: (1) restricts the library from performing customary operational functions; (2) restricts the library from performing customary lending functions; (3) restricts the library from disclosing the terms of the contract or license agreement to any other library in the State; or (4) requires the library to violate the Library Records Confidentiality Act. Provides that a violation of the Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Provides that any contract to license electronic literary materials to a library that includes a provision prohibited under the Act is deemed unenforceable and void. Amends the Consumer Fraud and Deceptive Business Practices Act to make a conforming change. Effective immediately.

LRB104 18367 SPS 31807 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Digital Library Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Aggregator" means any person in the business of licensing  
8 access to electronic literary material collections that  
9 include electronic literary material from multiple publishers.

10 "Borrower" means any person or organization, including  
11 another library, to whom a library loans a copy of electronic  
12 literary material.

13 "Digital audiobook" means a sound recording of a reading  
14 of any literary production that has been converted into or  
15 published in a digital audio file that may be listened to on a  
16 computer or portable electronic device.

17 "Electronic literary material" means any digital audiobook  
18 or electronic book.

19 "Electronic book" means a text document that has been  
20 converted into or published in a digital format that may be  
21 read on a computer or portable electronic device.

22 "Library" means a public library, public elementary school  
23 or secondary school library, academic library, research

1 library, special library, library consortium, talking book  
2 library, or an archive.

3 "Loan" means the creation and transmission by a library to  
4 a borrower of a copy of any electronic literary material and  
5 the deletion of the copy by the library upon the expiration of  
6 the loan period.

7 "Loan period" means the period of time commencing with the  
8 creation and transmission by a library to a borrower of a copy  
9 of any electronic literary material and concluding with the  
10 deletion of the copy by the library, as determined by the  
11 library.

12 "Publisher" means any person in the business of the  
13 manufacture, distribution, licensing, or sale of books,  
14 audiobooks, journals, magazines, newspapers, or other literary  
15 productions, including electronic literary materials.

16 "Publisher" includes any aggregator who enters into a contract  
17 with any library for the purpose of providing materials for  
18 purchase or license from any publisher.

19 "Technological protection measure" means any technology  
20 that enhances the security of loaning or circulating  
21 electronic literary materials by a library.

22 Section 10. Contracts between libraries and publishers. No  
23 publisher shall enter into a contract or license agreement to  
24 distribute electronic literary materials to a library that:

25 (1) restricts the library from performing customary

1 operational functions, including any provision that:

2 (A) restricts the library from licensing  
3 electronic literary materials from publishers;

4 (B) restricts the library from employing  
5 technological protection measures as necessary to loan  
6 electronic literary materials;

7 (C) restricts the library from making preservation  
8 copies of electronic literary materials; or

9 (D) restricts the library from loaning electronic  
10 literary materials through interlibrary loan systems;

11 (2) restricts the library from performing customary  
12 lending functions, including any provision that:

13 (A) restricts the library from loaning electronic  
14 literary materials to borrowers;

15 (B) restricts the library from determining loan  
16 periods for licensed electronic literary materials;

17 (C) requires the library to acquire a license for  
18 any electronic literary material at a price greater  
19 than that charged to the public for the same item;

20 (D) restricts the number of licenses for  
21 electronic literary materials that the library may  
22 acquire after the same item is made available to the  
23 public;

24 (E) requires the library to pay a  
25 cost-per-circulation fee to loan electronic literary  
26 materials, unless the fee is substantially lower in

1 aggregate than the cost of purchasing the item  
2 outright;

3 (F) restricts the number of times the library may  
4 loan any electronic literary material over the course  
5 of the contract or license agreement if the contract  
6 or agreement also imposes a time-based limitation on  
7 the duration of the library's license to the  
8 materials; or

9 (G) restricts or limits the library's ability to  
10 virtually recite text or display artwork to library  
11 patrons so that the materials would not have the same  
12 educational utility as when recited or displayed at a  
13 library facility;

14 (3) restricts the library from disclosing the terms of  
15 the contract or license agreement to any other library in  
16 this State; or

17 (4) requires the library to violate the Library  
18 Records Confidentiality Act.

19 Section 15. Enforcement. A violation of this Act  
20 constitutes an unlawful practice under the Consumer Fraud and  
21 Deceptive Business Practices Act. All remedies, penalties, and  
22 authority granted to the Attorney General by the Consumer  
23 Fraud and Deceptive Business Practices Act shall be available  
24 to the Attorney General for the enforcement of this Act.

1           Section 20. Unenforceable contracts. Any contract to  
2 license electronic literary materials to a library that  
3 includes a provision prohibited under this Act is deemed  
4 unenforceable and void. Any provision of a contract that  
5 waives any of the provisions of this Act is deemed  
6 unenforceable and void.

7           Section 25. Existing contracts. Nothing in this Act shall  
8 be construed to apply to any existing contract to distribute  
9 electronic literary materials to a library.

10          Section 30. Relation to other laws. Nothing in this Act  
11 shall be construed to limit the authority of the Secretary of  
12 State under the License to Read Act.

13          Section 35. The Consumer Fraud and Deceptive Business  
14 Practices Act is amended by adding Section 2MMMM as follows:

15           (815 ILCS 505/2MMMM new)

16           Sec. 2MMMM. Violations of the Digital Library Protection  
17 Act. Any person who violates the Digital Library Protection  
18 Act commits an unlawful practice within the meaning of this  
19 Act.

20          Section 99. Effective date. This Act takes effect upon  
21 becoming law.