



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5236

Introduced 2/10/2026, by Rep. Tracy Katz Muhl

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 18368 SPS 31808 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.