

STAND. COM. REP. NO. 340

Honolulu, Hawaii  
FEB 14 , 2023

RE: H.B. No. 1412  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 1412 entitled:

"A BILL FOR AN ACT RELATING TO LIBRARIES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit any contract or license agreement between a publisher and library in the State from:
  - (A) Precluding, limiting, or otherwise restricting the library from performing customary operational and lending functions;
  - (B) Restricting the library from disclosing any terms of its license agreements to other libraries; and
  - (C) Requiring, coercing, or enabling a library to violate laws regarding confidentiality of a patron's library records; and
- (2) Deem contracts that contain the prohibited provisions as an unfair or deceptive act or practice and renders the contracts void and unenforceable.



Your Committee received testimony in support of this measure from the Department of Education and Hawaii State Public Library System. Your Committee received testimony in opposition to this measure from the Copyright Alliance, Independent Book Publishers Association, The Authors Guild, Association of American Publishers, and one individual.

Your Committee finds that digital books are a vital part of library collections in the twenty-first century. However, libraries have faced many challenges in accessing digital books. The models created by publishers for access to and pricing of digital books has been prohibitive and not sustainable for public libraries. For example, when certain titles are in high demand, publishers place embargoes on the release date of those high demand titles so that the public cannot access digital copies from the public library on the same date. This measure seeks to provide equitable access to digital books through public libraries for the communities of Hawaii.

Your Committee has amended this measure by:

- (1) Changing its effective date to June 30, 3000; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1412, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1412, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Education,

  
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JUSTIN H. WOODSON, Chair



