PRESS RELEASE

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Contact: Adriene Lim
Vice Chair, USMAI
ailim@umd.edu | 301-405-1668


College Park, Maryland - The member libraries of the University System of Maryland Affiliated Institutions (USMAI) fully support Maryland’s new state legislation, “Public Libraries — Electronic Literary Product Licenses, Access” (HB518/SB432). The goal of this law, which went into effect on January 1, 2022, is to ensure that Maryland residents have equitable access to electronic publications (e.g., eBooks, eAudiobooks) through the state’s public libraries.

USMAI member libraries are deeply grateful for the vigorous defense of the Maryland eBook law by Maryland Attorney General Brian Frosh against the complaint filed by the Association of American Publishers, Inc. (AAP). In its Friday, January 14, 2022, opposition to the AAP's motion for preliminary injunction and motion to dismiss the AAP complaint, the Maryland Attorney General's office cuts through the AAP's rhetoric and stresses that the law is narrowly tailored to address compelling state interests: to rectify unfair trade practices, to advance the purpose of public libraries, and to promote equitable access to information by individuals who do not have easy access to the physical premises of public libraries, including people living in rural areas, people with disabilities, children, and the elderly. As the Maryland Attorney General argues, the law does not create new rights or violate existing ones, but instead prohibits publishers from denying libraries the ability to license eBooks and other digital literary content, which if denied would be detrimental to the public. Publishers retain the ability to negotiate the licensing terms if the terms are reasonable.

Although the law may not directly affect research and academic libraries within Maryland, the law benefits members of the USMAI community and their families, who rely on public libraries to meet their personal information needs. The importance of equitable access to digital content has never been clearer than during the ongoing global pandemic. According to the American Library Association’s 2021 State of America’s Libraries, Special Report on COVID-19, 99% of public libraries physically closed in March 2020. While many have since reopened to varying degrees, reduced hours of operation, curtailed services, and restricted access to physical materials significantly reduce meaningful access to materials. Implementation of this law begins to address the inequities that currently exist for communities that continue to rely on public libraries for an array of essential services that would necessarily be restricted if public libraries
were prevented from purchasing electronic publications that are currently available for purchase to individuals.

USMAI members, including the University of Maryland, College Park, and 16 other academic libraries, assert that all Marylanders benefit when residents have the equitable access to information and knowledge that they need to thrive in the 21st century.

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The University System of Maryland and Affiliated Institutions (USMAI) Library Consortium is a consortium of 17 academic libraries in the State of Maryland. Its purpose is to support effective access to library resources, provide and promote a range of services, leverage expertise, and maximize benefits to the individual libraries of the member institutions. USMAI supports the shared mission of member campuses to contribute to the intellectual and cultural growth of students, faculty, and staff.