

# STATE OF NEW YORK

2890--A

2021-2022 Regular Sessions

## IN SENATE

January 26, 2021

Introduced by Sens. MAY, BROOKS, GAUGHRAN, HARCKHAM, JORDAN, MYRIE, RIVERA, RYAN, SEPULVEDA, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring publishers to offer licenses for electronic books to libraries under reasonable terms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section  
2 399-nn to read as follows:

3 § 399-nn. Electronic book licenses. 1. For the purposes of this  
4 section, the following terms shall have the following meanings:

5 (a) "electronic book" means a text document that has been converted  
6 into or published in a digital format that is read on a computer,  
7 tablet, smart phone, or electronic device; and

8 (b) "publisher" means one whose business is the manufacture, promulga-  
9 tion, and sale of books, journals, or other literary productions includ-  
10 ing those in digital form consisting of text, imagery or both.

11 2. Any publisher who offers to license electronic books to the public  
12 shall offer to license such books to libraries in the state on reason-  
13 able terms that would permit the libraries to provide their users with  
14 access to such electronic books.

15 3. (a) Such reasonable terms shall include:

16 (i) a limitation on the number of users to whom the libraries may  
17 simultaneously provide access to the electronic books;

18 (ii) a limitation on the number of days the libraries may provide a  
19 user with access to the electronic books; and

20 (iii) the use of technological protection measures that would prevent  
21 a user from (A) maintaining access to the electronic books beyond the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 access period set forth in the license, and (B) providing other users  
2 with access to the electronic books.

3 (b) Such reasonable terms shall not include a limitation on the number  
4 of licenses for electronic books libraries may purchase at the same date  
5 available to the public.

6 4. Any publisher that violates the provisions of this section shall be  
7 liable for a civil penalty not to exceed two hundred fifty dollars for  
8 an initial offense, and the second offense and any offense thereafter  
9 shall be punishable by a civil penalty not to exceed five hundred  
10 dollars.

11 § 2. This act shall take effect on the ninetieth day after it shall  
12 have become a law and shall apply to contracts entered into, renewed,  
13 modified, or amended on or after such effective date.