STATE OF NEW YORK

9881--A

IN ASSEMBLY

February 20, 2020

Introduced by M. of A. RYAN, HUNTER, RAMOS, GUNTHER, BARRETT, BRONSON, L. ROSENTHAL, JAFFEE, DE LA ROSA, JACOBSON, DICKENS, FAHY, THIELE, ENGLEBRIGHT, SIMON, EPSTEIN, GRIFFIN, BYRNE, PALUMBO, DeSTEFANO, MANKTELOW, NORRIS, RA -- Multi-Sponsored by -- M. of A. TAGUE -- read once and referred to the Committee on Consumer Affairs and 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:

Section 1. The general business law is amended by adding a new section 349-g to read as follows:

§ 349-g. Electronic book licenses. 1. For the purposes of this section, the following terms shall have the following meanings:

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

(b) "publisher" means one whose business is the manufacture, promulgation, and sale of books, journals or other literary productions including those in digital form consisting of text, imagery or both.

2. Any publisher who offers to license electronic books to the public shall offer to license such books to libraries in the state on reasonable terms that would permit the libraries to provide their users with access to such electronic books.

3. (a) Such reasonable terms shall include:

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

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

(iii) the use of technological protection measures that would prevent 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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access period set forth in the license, and (B) providing other users with access to the electronic books.

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

4. A violation of this section shall be deemed a deceptive practice within the meaning of section three hundred forty-nine of this article, and any remedy provided pursuant to this article shall be available for the enforcement of this section.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.