

STATE OF NEW YORK

7098

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to prohibiting the delay of the availability of e-books to public libraries in the state

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

1 Section 1. The state finance law is amended by adding a new section
2 148 to read as follows:

3 § 148. Electronic book publisher requirements in certain procurement
4 contracts. 1. For purposes of this section, the following terms shall
5 have the following meanings:

6 (a) "E-book" or "electronic book" shall mean an electronic version of
7 a printed book that can be read on a computer or any other electronic
8 device.

9 (b) "Publisher" shall mean an individual or entity whose business is
10 the publishing of books, including electronic books.

11 2. Notwithstanding any other provision of law to the contrary, a state
12 agency as defined in section one hundred sixty of this chapter, any
13 state and local authority as such terms are defined in section two of
14 the public authorities law, a municipal corporation as defined in
15 section two of the general municipal law, a public library or associ-
16 ation library, as such terms are defined in section two hundred fifty-
17 three of the education law, the state university of New York, or city
18 university of New York shall not enter into a contract which provides
19 for the purchase of e-books for the purpose of making such e-books
20 available in certain public libraries throughout the state with a
21 publisher when such publisher engages in discriminatory practices
22 related to the availability of e-books to public libraries. Any such
23 contracts shall not require such agencies, corporations, authorities or
24 libraries to delay the availability of such e-books to public libraries
25 for any specified amount of time. Such contracts shall ensure all
26 e-books be made available to public libraries at the same time, in any

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

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1 desired quantity, as such e-books become available to consumers and
2 retailers.

3 3. This section shall not apply to other terms of sales or contracts
4 for purposes of sales to libraries and other public institutions.

5 § 2. This act shall take effect immediately.