

STATE OF NEW YORK

7576

IN SENATE

January 28, 2020

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

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
2 349-g to read as follows:

3 § 349-g. 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, magazines, newspapers, or other
10 literary productions including those in digital form consisting of text,
11 imagery or both.

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

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

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

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

21 (iii) the use of technological protection measures that would prevent
22 a user from (A) maintaining access to the electronic books beyond the
23 access period set forth in the license, and (B) providing other users
24 with access to the electronic books.

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

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

LBD14971-01-0

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

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