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:

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

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

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

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

2. Notwithstanding any other provision of law to the contrary, a state agency as defined in section one hundred sixty of this chapter, any state and local authority as such terms are defined in section two of the public authorities law, a municipal corporation as defined in section two of the general municipal law, a public library or association library, as such terms are defined in section two hundred fifty-three of the education law, the state university of New York, or city university of New York shall not enter into a contract which provides for the purchase of e-books for the purpose of making such e-books available in certain public libraries throughout the state with a publisher when such publisher engages in discriminatory practices related to the availability of e-books to public libraries. Any such contracts shall not require such agencies, corporations, authorities or libraries to delay the availability of such e-books to public libraries for any specified amount of time. Such contracts shall ensure all 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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desired quantity, as such e-books become available to consumers and retailers.

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

§ 2. This act shall take effect immediately.