

# STATE OF NEW YORK

5837

2021-2022 Regular Sessions

## IN ASSEMBLY

February 26, 2021

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the  
Committee on Consumer Affairs and 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 Assem-  
bly, 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, 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  
22 access period set forth in the license, and (B) providing other users  
23 with access to the electronic books.

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

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

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

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