



S6868A (Chu)

An act to amend the education law, in relation to protecting library access to electronic literary materials

The New York Library Association (NYLA) supports the above referenced legislation.

If enacted, this bill would require that any contract between libraries and publishers who offer electronic books (eBooks) be governed by the laws of New York State under its authority to regulate intrastate commerce. Additionally, it would establish a list of provisions prohibited from inclusion in said contracts, thereby affording library patrons across our state equitable access to the content they seek.

Libraries are instruments of the common good – institutions created to serve our collective interest in guaranteeing access to art, culture, and education for all people. As such, their ability to render services to New Yorkers must be insulated from the predation of profit-seeking market forces.

Unfortunately, publishers have enacted industry-specific pricing models that saddle libraries with exorbitant costs, contract limitations, and temporary embargos prohibiting the purchase of titles deemed “high demand.” Rather than allowing libraries to purchase eBooks on equal terms with the public, publishers restrict them to limited licenses that cost exponentially more than private purchases and expire after fixed periods or circulations. While we understand and accept that physical copies of books wear out and require eventual repurchase, this does not occur in a matter of 12 months, 24 months, or even the 100 circulations commonly included in these licenses.

Moreover, these restrictions financially burden our libraries and in essence prevent them from developing stable collections with actual ownership over the materials they circulate.

Many New Yorkers prefer digital content and libraries provide this content as a benefit to their communities. E-books are particularly useful for senior citizens, people with disabilities, and others for whom digital content is more accessible and manageable. This bill would create minimum consumer protection practices in the industry and ensure that all New Yorkers have access to content that interests them in the format they desire.

For additional information, please contact Max Prime at the New York Library Association at 518.432.6952.