

2022 -- S 2842

LC005696

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --  
ELECTRONIC BOOK LICENSES TO LIBRARIES AND SCHOOLS

Introduced By: Senators Gallo, Cano, Goodwin, Pearson, Lombardo, Ciccone, and Miller

Date Introduced: April 05, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW - GENERAL  
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 59

4 ELECTRONIC BOOK LICENSES TO LIBRARIES AND SCHOOLS

5 **6-59-1. Short title.**

6 This chapter shall be known and may be cited as "Electronic Book Licenses to Libraries  
7 and Schools."

8 **6-59-2. Definitions.**

9 For purposes of this chapter, the following terms shall have the following meanings, unless  
10 the context requires otherwise:

11 (1) "Digital audiobook" means a text document that has been recorded and released in a  
12 digital audio file for listening on a computer, tablet, smart phone, or electronic device.

13 (2) "Electronic book" means a text document that has been converted into or published in  
14 a digital format, including, but not limited to, all instructional materials utilized by students in  
15 public and private schools and educational institutions, that are read on a computer, tablet, smart  
16 phone, or electronic device.

17 (3) "Libraries" means all public and private libraries located at university and college  
18 institutions, all public and private libraries with public access, and all public and private libraries

1 located in schools and vocational and technical educational institutions.

2 (4) "Publisher" means one whose business is the manufacture, promulgation, and/or sale  
3 of books, audiobooks, journals, magazines, newspapers, or other literary productions including  
4 those in digital form consisting of text, narration, imagery or all three (3).

5 (5) "Reasonable technological protection measures" means any technology that enhances  
6 the secure loaning and/or circulation by a library or school of an electronic book or digital  
7 audiobook, including:

8 (i) Technology limiting the loan to a single patron at a time, for a limited period of time;

9 (ii) Technology that limits access to only one library patron or student at a time for each  
10 acquired copy; and

11 (iii) Technology that prevents any reproduction of copies during the loan period.

12 **6-59-3. License to libraries and schools.**

13 Any publisher who offers a contract or license for acquisition of electronic books and  
14 digital audiobooks to the public in Rhode Island shall offer to license such books to libraries and  
15 to elementary and secondary schools and educational institutions in the state on reasonable terms  
16 that would permit the libraries, schools and educational institutions to provide their users and  
17 students with access to such electronic books.

18 (1) Such reasonable terms may include:

19 (i) A limitation on the number of patrons or students to whom the libraries or schools may  
20 simultaneously provide access to the electronic books;

21 (ii) A limitation on the number of days the libraries and/or schools may provide a patron  
22 or student with access to the electronic books; and

23 (iii) The use of technological protection measures that would prevent a patron or student  
24 from:

25 (A) Maintaining access to the electronic books beyond the access period set forth in the  
26 license; and

27 (B) Providing other users with access to the electronic books.

28 (2) Such reasonable terms shall not include a limitation on the number of licenses for  
29 electronic books that libraries or schools may purchase on the same date available to the public.

30 (3) Such reasonable terms with respect to price may include providing access to one patron  
31 at a time:

32 (i) At a price equivalent to the prevailing consumer price for a consumer license, when the  
33 license to the library is for a fixed number of uses or fixed time period commencing on the date of  
34 the first circulation of the ebook or digital audiobook; or

1           (ii) At a price no more than two (2) times the prevailing consumer price for a consumer  
2 license, when the license to the library is of unlimited duration and number of uses.

3           **6-59-4. General provisions - Severability.**

4           (a) Any publisher who offers a contract or license for acquisition of electronic books and  
5 digital audiobooks to the public in this state shall be governed by Rhode Island law with respect to  
6 the contract or license.

7           (b) Any license term that limits the rights of a library or school under the U.S. Copyright  
8 Act shall not be enforceable.

9           (c) The provisions of this chapter are severable. If any provision of this chapter or its  
10 application is held invalid, that invalidity shall not affect other provisions or applications that can  
11 be given effect without the invalid provision or application.

12           **6-59-5. Unfair and deceptive trade practice.**

13           (a) A violation of this chapter shall be deemed an unfair and deceptive trade practice within  
14 the meaning of chapter 13.1 of this title, and any remedy provided pursuant to chapter 13.1 of this  
15 title shall be available for the enforcement of this chapter.

16           (b) Any publisher may seek the opinion of the attorney general for guidance on how to  
17 comply with the provisions of this chapter or chapter 13.1 of this title.

18           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
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OF

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RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --  
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1           This act would require publishers to provide electronic book licenses to libraries and  
2 schools, when a publisher offers to license electronic books and digital audiobooks to the public in  
3 Rhode Island, and to license such books to all public, private, academic and educational libraries  
4 in the state on reasonable terms, permitting the libraries and schools to provide their users with  
5 access to such electronic books. Any violation of the chapter would be deemed an unfair and  
6 deceptive trade practice.

7           This act would take effect upon passage.

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