



Rhode Island Library Association Fact Sheet H 5148 - the Library eBook Bill

This bill requires that publishers who offer ebooks and digital audiobooks to the public in Rhode Island (consumers) must also offer them to public, academic, and school libraries in Rhode Island at the same time.

Further, this bill requires that publishers offer those library licenses on “reasonable terms” - they cannot limit or embargo licenses available to libraries; may not charge more than the prevailing consumer price for time-limited licenses, and no more than twice the prevailing consumer price for perpetual licenses.

Of significance, this bill includes a severability clause, which states that if any provision is held invalid, the rest of the provisions can remain in effect. It also upholds libraries’ rights under the U.S. Copyright Act. Lastly, the bill offers publishers the guidance of the Rhode Island Attorney General on how to comply with this bill.

The Issues:

- Currently, big publishers are charging libraries up to 9 times or more the cost of ebooks and digital audiobooks than they are charging consumers for the same product. These purchases are considered licenses, which expire after 1 or 2 years, or a certain number of checkouts, and require libraries to repurchase these ebooks over and over again, often at the same high prices each time. In 2022 alone, Rhode Island’s public libraries purchased \$827,300 worth of “metered” licenses that will expire in a short amount of time.
- Some publishing houses have refused to sell ebooks to libraries at all, and in the recent past, have embargoed their titles from libraries, cutting us out of the market. *Charlotte’s Web* cannot be purchased by our libraries as an ebook, yet it is available on Amazon for the Kindle for \$8.99.
- The unaffordability of providing access to a reasonable spectrum of titles is contrary to the initial purpose of the Copyright Act which has always been to promote knowledge and the dissemination of knowledge. Libraries, which pre-date the Copyright Act, have always had this unique role and special status in their ability to preserve and circulate books. **Libraries have rights under U.S. Copyright law.** In a state where our citizens use and love their libraries, and love to read, this creates a problem: with our limited library budgets we cannot purchase enough ebook licenses to meet the demand of our library

users. They rely on the library for reading material that they do not have the disposable income to obtain themselves.

- Limiting access to ebooks disproportionately affects the disabled community. Ebooks and digital audiobooks help Rhode Island citizens who have visual, motor, or learning impairments to enjoy books they could not otherwise. According to the CDC, approximately 1 in 4 Americans have a physical or cognitive disability.
- With this bill, Rhode Island libraries want fair and reasonable pricing and terms for ebooks and digital audiobooks, just like we have with physical media. We want to promote authors and their works, promote reading and listening, provide access to information and learning, and enable our users to be a part of the current cultural conversations surrounding literature, news, and information. This is a fundamental right for all Rhode Island citizens.
- Rhode Islanders have a constitutional right to library service, and the General Assembly has the duty to promote and support libraries, as outlined in Article XII of the Rhode Island Constitution:
"The diffusion of knowledge... being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote...public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services."
- Several other states have introduced ebook bills like this one, including Maryland, Massachusetts, Connecticut, New York, Illinois, Tennessee, and Missouri.

The Rhode Island Library Association urges the passage of H 5148.