

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4956

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2026

The Assembly Education Committee reports favorably Assembly Bill No. 4956.

This bill prohibits contracts for the procurement and licensing of electronic literary materials between public libraries and publishers, distributors, and any other entity selling or licensing electronic literary material to a public library from including certain provisions.

Under the bill, a contract or license between a publisher and the governing body of a public library for the procurement or licensing of electronic literary materials is not to include a provision which: (1) precludes, limits, or restricts the library from performing customary operational functions; (2) precludes, limits, or restricts the library from performing customary lending functions; (3) restricts the public library from disclosing any terms of the contract to other public libraries, the Legislature, or the Attorney General; or (4) requires, coerces, or enables a public library to violate the provision of current law which, except in certain circumstances, prohibits the disclosure of library records which contain the names or other personally identifiable details regarding the users of the libraries.

The provisions of the bill are not to apply to existing contracts, except renewal of the contract is subject to the provisions of the bill.

The bill stipulates that a violation of the provisions of the bill is to be considered an unfair method of competition and unfair and deceptive acts or practices within the meaning of the New Jersey consumer fraud act. Finally, the bill stipulates that contracts to license electronic literary materials to a public library that include prohibited provisions pursuant to the bill are unconscionable and are deemed unenforceable. Any waiver of the provisions of the bill is to be deemed unenforceable and void.