

# SENATE BILL 183

F2

(9lr0442)

## ENROLLED BILL

—Education, Health, and Environmental Affairs/Appropriations—

Introduced by **Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, ~~and Raskin~~ Raskin, and Klausmeier**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **College Textbook Competition and Affordability Act of 2009**

3 FOR the purpose of requiring certain institutions of higher education to develop and  
4 implement informational campaigns, ~~certain textbook adoption processes,~~  
5 certain procedures relating to certain disclosures and certain ~~affirmations~~  
6 acknowledgments, and certain best practices processes; requiring certain  
7 institutions to develop a certain process for the ~~affirmation and~~  
8 acknowledgment by certain faculty of certain information; requiring certain  
9 publishers to disclose certain information in certain formats relating to certain  
10 prices, certain textbook-related information, certain content revisions, and  
11 certain other formats, ~~and certain variances in price~~; requiring, subject to a  
12 certain exception, certain publishers and certain bookstores to provide and sell  
13 certain textbooks and certain supplemental material in a certain manner and to

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 work with certain faculty members to find certain alternatives under certain  
 2 circumstances; requiring certain textbooks and certain supplemental material  
 3 to be available in certain packages; requiring certain institutions to provide  
 4 certain information to certain bookstores under certain circumstances, subject  
 5 to certain notifications *and certain conditions*; requiring certain institutions to  
 6 make certain information available by posting it on certain websites on or  
 7 before a certain time *subject to a certain extension under certain circumstances*;  
 8 ~~prohibiting certain institutions from encouraging or promoting the creation or~~  
 9 ~~sale of certain types of textbooks; requiring certain institutions to allow certain~~  
 10 ~~bookstores to advertise and have certain access to certain students under~~  
 11 ~~certain circumstances~~; providing for a certain exception to the provisions of this  
 12 Act; providing for the construction of this Act; ~~requiring certain institutions to~~  
 13 ~~make certain reports to the Maryland Higher Education Commission regarding~~  
 14 ~~certain analyses of certain textbook prices and certain other information on or~~  
 15 ~~before a certain date; requiring the Commission to compile certain reports and~~  
 16 ~~forward the compilation to the Governor and the General Assembly on or before~~  
 17 ~~a certain date~~; requiring certain institutions to report *to the Maryland Higher*  
 18 *Education Commission* regarding *certain efforts to lower the cost of certain*  
 19 *textbooks*; *and* certain policies developed in accordance with this Act, *and*  
 20 *certain recommendations*; requiring the Commission, in consultation with  
 21 certain stakeholders, to conduct certain feasibility studies on or before a certain  
 22 date *and report to the Governor and the General Assembly on or before a certain*  
 23 *date*; requiring the University System of Maryland to conduct a certain study  
 24 regarding certain business models and report the results of the study to the  
 25 Board of Regents and the General Assembly; defining certain terms; and  
 26 generally relating to the sale of college textbooks.

27 BY adding to

28 Article – Education

29 Section 15–112

30 Annotated Code of Maryland

31 (2008 Replacement Volume)

32 Preamble

33 WHEREAS, In 2005, the federal Government Accountability Office (GAO)  
 34 reported that during the period of December 1986 through December 2004, college  
 35 textbook prices increased 186% and inflation increased only 72%; and

36 WHEREAS, The textbook market is supply-driven rather than demand-driven  
 37 and consequently offers consumers (students) no role in determining price, format, or  
 38 quality of the product; and

39 WHEREAS, The State of Maryland has passed legislative initiatives to control  
 40 the cost of tuition but not to control the cost of textbooks; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 **15-112.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6 MEANINGS INDICATED.

7 (2) (I) "BOOKSTORE" MEANS ANY ENTITY THAT OFFERS BOOKS  
8 OR OTHER COURSE MATERIALS FOR SALE AND IS LICENSED BY THE  
9 COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX - GENERAL  
10 ARTICLE.

11 (II) "BOOKSTORE" INCLUDES CAMPUS BOOKSTORES AND  
12 ONLINE VENDORS.

13 (3) (I) "BUNDLE" MEANS ONE OR MORE COLLEGE TEXTBOOKS  
14 OR OTHER SUPPLEMENTAL MATERIAL THAT ARE PACKAGED TOGETHER TO BE  
15 SOLD AS COURSE MATERIALS FOR ONE PRICE.

16 (II) "BUNDLE" DOES NOT INCLUDE SINGLE, ~~CUSTOM, OR~~  
17 ~~INTEGRATED OR CUSTOM, CUSTOM, OR INTEGRATED~~ TEXTBOOKS.

18 (4) "CAMPUS BOOKSTORE" MEANS A BOOKSTORE UNDER THE  
19 JURISDICTION OF AN INSTITUTION OF HIGHER EDUCATION.

20 (5) (I) "CUSTOM TEXTBOOK" MEANS A COLLEGE TEXTBOOK  
21 THAT IS COMPILED BY A PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER  
22 OR OTHER PERSON OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE  
23 MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION.

24 (II) "CUSTOM TEXTBOOK" INCLUDES ORIGINAL  
25 INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, OR  
26 COPYRIGHTED THIRD-PARTY MATERIAL, OR ELEMENTS UNIQUE TO A SPECIFIC  
27 INSTITUTION, SUCH AS COMMEMORATIVE EDITIONS.

28 (III) "CUSTOM TEXTBOOK" DOES NOT INCLUDE PURELY  
29 AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A  
30 PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.

31 ~~(6) "INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK~~  
32 ~~THAT IS COMBINED WITH:~~

~~(I) MATERIALS DEVELOPED BY A THIRD PARTY AND THAT, BY THIRD PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED; OR~~

~~(II) OTHER MATERIALS THAT ARE SO INTERRELATED WITH THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.~~

**(6) "INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS COMBINED WITH:**

**(I) MATERIALS DEVELOPED BY A THIRD PARTY AND THAT, BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED; OR**

**(II) OTHER MATERIALS THAT ARE SO INTERRELATED WITH THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.**

~~(7) (6) (7) "ISBN" MEANS THE UNIQUE INTERNATIONAL STANDARD BOOK NUMBER ASSIGNED TO A COLLEGE TEXTBOOK COURSE MATERIAL THAT IS USED BY PUBLISHERS TO IDENTIFY EACH TEXTBOOK EDITION AND PRINTING OF A COLLEGE TEXTBOOK OTHER COURSE MATERIAL, INCLUDING BUNDLES.~~

~~(7) (8) "PRICE" MEANS THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO A BOOKSTORE, OR AND, IF AVAILABLE, THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO THE PUBLIC, OR BOTH.~~

~~(8) (9) "SUBSTANTIAL CONTENT" MEANS A PART OF A COLLEGE TEXTBOOK, SUCH AS NEW CHAPTERS, NEW MATERIAL COVERING ADDITIONAL ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.~~

~~(9) (10) (I) "SUPPLEMENTAL MATERIAL" MEANS EDUCATIONAL MATERIAL DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK.~~

1 (II) "SUPPLEMENTAL MATERIAL" INCLUDES PRINTED  
2 MATERIALS AND ELECTRONIC MATERIALS SUCH AS COMPUTER DISKS AND WEB  
3 ACCESS CODES.

4 ~~(10)~~ (11) "TEXTBOOK" INCLUDES CUSTOM TEXTBOOKS TO THE  
5 MAXIMUM EXTENT PRACTICABLE.

6 (B) THIS SECTION DOES NOT APPLY TO THE OVERSEAS PROGRAMS OF  
7 THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE.

8 (C) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE  
9 SHALL DEVELOP AND IMPLEMENT:

10 (1) AN INFORMATIONAL CAMPAIGN TO ASSIST FACULTY AND  
11 MAKE THEM AWARE OF TEXTBOOK-RELATED ISSUES, INCLUDING:

12 (I) ~~WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF~~  
13 ~~ANY, THE PRICE OF COLLEGE TEXTBOOKS AND OF SUPPLEMENTAL MATERIAL;~~

14 (II) ~~VARIANCES IN WHOLESALE PRICE AND SUGGESTED~~  
15 ~~RETAIL PRICES, IF ANY, PRICE OF BUNDLED AND UNBUNDLED COURSE~~  
16 ~~MATERIALS~~ THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND  
17 UNBUNDLED COURSE MATERIALS;

18 (III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN  
19 THE CURRENT EDITION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL  
20 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR  
21 SUPPLEMENTAL MATERIAL AS REPORTED TO THE INSTITUTION UNDER  
22 SUBSECTION (E) OF THIS SECTION; ~~AND~~

23 (IV) WHICH TEXTBOOKS ARE INTEGRATED TEXTBOOKS AND  
24 ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, AS  
25 REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION; AND

26 ~~(IV)~~ (V) THE FISCAL IMPACT TO STUDENTS OF THE HIGH  
27 COST OF COLLEGE TEXTBOOKS;

28 ~~(2) A COLLEGE TEXTBOOK ADOPTION PROCESS THAT INCLUDES~~  
29 ~~THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES~~  
30 ~~REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF NEW~~  
31 ~~CURRENT EDITIONS, USED CURRENT EDITIONS, NEW PREVIOUS EDITIONS, AND~~  
32 ~~USED PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL~~  
33 ~~MATERIAL;~~

1           ~~(3)~~ (2)       A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS  
2 ARE MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER  
3 SUBSECTION (G) OF THIS SECTION; AND

4           ~~(4)~~ (3)       A BEST-PRACTICES PROCESS FOR FACULTY IN  
5 SELECTING COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL THAT:

6                   (I)     ENSURES EARLY ADOPTION OF COLLEGE TEXTBOOKS  
7 AND SUPPLEMENTAL MATERIAL;

8                   (II)    ENCOURAGES THE MAXIMUM USAGE OF USED COLLEGE  
9 TEXTBOOKS AND OF PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS, WHEN  
10 POSSIBLE;

11                  (III)   FOR UNDERGRADUATE COLLEGE TEXTBOOKS, ENSURES  
12 THAT THE MAJORITY OF THE ASSIGNED MATERIAL WILL BE USED IN THE  
13 COURSE UNLESS IT WOULD BE IN THE STUDENT'S FINANCIAL INTEREST TO  
14 PURCHASE SEPARATE MATERIALS; AND

15                  (IV)   ENSURES THAT FACULTY ARE AWARE OF VARIOUS  
16 OUTLETS FOR THE SUPPLY OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL  
17 MATERIAL.

18           (D)   (1)   EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL  
19 DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ~~AFFIRM AND~~  
20 ACKNOWLEDGE THE INFORMATION UNDER PARAGRAPH (2) OF THIS  
21 SUBSECTION.

22                   (2)   BEFORE ~~IDENTIFYING~~ SELECTING A COLLEGE TEXTBOOK OR  
23 SUPPLEMENTAL MATERIAL AND BEFORE TRANSMITTING THE SELECTION TO A  
24 CAMPUS BOOKSTORE, PROVIDING THE SELECTION TO ANY OTHER BOOKSTORE,  
25 OR POSTING THE SELECTION ON THE WEBSITE OF THE PUBLIC INSTITUTION OF  
26 HIGHER EDUCATION, A FACULTY MEMBER SHALL ACKNOWLEDGE:

27                           (I)   1.   IF SELECTING A DIFFERENT COLLEGE TEXTBOOK  
28 FROM A DIFFERENT PUBLISHER, ~~AFFIRM AND ACKNOWLEDGE~~ THE COST OF THE  
29 NEW SELECTION VERSUS THE COST OF THE PREVIOUS SELECTION; OR

30                           ~~(II)~~ 2. IF SELECTING A CURRENT EDITION OF A COLLEGE  
31 TEXTBOOK, ~~AFFIRM AND ACKNOWLEDGE~~:

32                                   1.A. THE DIFFERENCES IN SUBSTANTIAL CONTENT  
33 BETWEEN THE CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS

1 EDITION OF THE TEXTBOOK AS REPORTED BY THE PUBLISHER UNDER  
2 SUBSECTION (E) OF THIS SECTION;

3 ~~2.~~ B. THAT THE USE OF THE CURRENT EDITION IS  
4 ~~JUSTIFIED~~ APPROPRIATE DUE TO A MATERIAL CHANGE IN SUBSTANTIAL  
5 CONTENT BETWEEN THE CURRENT EDITION AND THE PREVIOUS EDITION;

6 ~~3.~~ C. THE DIFFERENCE IN PRICE BETWEEN THE  
7 CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS EDITION OF THE  
8 TEXTBOOK; AND

9 ~~4.~~ D. THAT THE PREVIOUS EDITION OF THE TEXTBOOK  
10 MAY BE AVAILABLE TO STUDENTS AT A LOWER PRICE VIA THE USED BOOK  
11 MARKET;

12 (II) THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO  
13 SUBSECTION (F)(3) OF THIS SECTION;

14 (III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A  
15 BUNDLE IS INTENDED FOR USE IN THE COURSE.

16 (E) (1) A PUBLISHER ~~WHO~~ THAT SELLS COLLEGE TEXTBOOKS OR  
17 SUPPLEMENTAL MATERIAL AND PROVIDES INFORMATION REGARDING A  
18 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL TO A FACULTY MEMBER,  
19 OTHER ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS, OR  
20 THE ADMINISTRATION OF AN INSTITUTION OF HIGHER EDUCATION SHALL  
21 DISCLOSE WITH THIS INFORMATION, IN WRITING, BY PAPER OR ELECTRONIC  
22 MEANS:

23 (I) ~~THE PRICE AT WHICH THE PUBLISHER WOULD MAKE~~  
24 ~~THE OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO~~  
25 ~~A BOOKSTORE AND THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE~~  
26 ~~COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE DIRECTLY TO~~  
27 ~~THE PUBLIC;~~

28 (II) THE TITLE, AUTHOR, PUBLISHER, EDITION, CURRENT  
29 AND THREE PREVIOUS COPYRIGHT DATES, PUBLICATION DATE WHEN  
30 AVAILABLE, AND ISBN OF THE COLLEGE TEXTBOOK AND SUPPLEMENTAL  
31 MATERIAL, BOTH AS BUNDLED AND UNBUNDLED ITEMS;

32 (III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN  
33 THE CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL  
34 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR  
35 SUPPLEMENTAL MATERIAL ~~EXPRESSED AS AN ITEMIZED LIST;~~

1 (IV) OTHER AVAILABLE FORMATS FOR THE COLLEGE  
2 TEXTBOOK OR SUPPLEMENTAL MATERIAL SUCH AS PAPERBACK OR UNBOUND;  
3 AND

4 (V) ~~VARIANCES IN PRICE, IF ANY, BETWEEN BUNDLED AND~~  
5 ~~UNBUNDLED ITEMS~~ A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS  
6 INTEGRATED TEXTBOOKS.

7 (2) EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE  
8 SHALL DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ACKNOWLEDGE  
9 HAVING BEEN INFORMED OF THE DISCLOSURES REQUIRED UNDER PARAGRAPH  
10 (1) OF THIS SUBSECTION AND THE IMPACT THAT THE HIGH COST OF COLLEGE  
11 TEXTBOOKS AND SUPPLEMENTAL MATERIAL HAS ON STUDENTS.

12 (F) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
13 SUBSECTION, A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE AND  
14 SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN THE SAME  
15 MANNER AS SELECTED AND ORDERED BY FACULTY MEMBERS.

16 (2) (I) IF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL  
17 IS UNAVAILABLE AS ORDERED, THE PUBLISHER AND THE CAMPUS BOOKSTORE  
18 SHALL WORK WITH THE FACULTY MEMBER TO FIND ALTERNATIVES.

19 (II) A PUBLISHER COLLABORATING WITH A CAMPUS  
20 BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS  
21 PARAGRAPH SHALL PROVIDE ~~WHOLESALE PRICES AND SUGGESTED RETAIL~~  
22 ~~PRICES, IF ANY,~~ PRICE INFORMATION FOR ALTERNATIVE COLLEGE TEXTBOOKS  
23 AND SUPPLEMENTAL MATERIAL.

24 (3) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND ANY  
25 SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE TEXTBOOK IN A  
26 BUNDLE SHALL ALSO MAKE AVAILABLE THE COLLEGE TEXTBOOK AND THE  
27 SUPPLEMENTAL MATERIAL AS SEPARATE AND UNBUNDLED ITEMS, EACH  
28 SEPARATELY PRICED.

29 (4) ~~(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH~~  
30 WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS BOOKSTORE MAY  
31 SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN A DIFFERENT  
32 MANNER THAN AS SELECTED AND ORDERED BY FACULTY MEMBERS FOR THE  
33 PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR EDITIONS, OR  
34 OTHER LOWER-COST OPTIONS TO STUDENTS.



~~(H) IF A CAMPUS BOOKSTORE SELLS COLLEGE TEXTBOOKS OR SUPPLEMENTAL MATERIAL AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CAMPUS BOOKSTORE SHALL CLEARLY MARK THE FACULTY MEMBER'S ACTUAL SELECTION IN CONTRAST WITH THE CAMPUS BOOKSTORE'S ALTERNATIVE PRODUCT SUGGESTION.~~

(G) (1) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION. AS SOON AS A FACULTY MEMBER IDENTIFIES A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMITS THE SELECTION TO A CAMPUS BOOKSTORE.

~~(2) THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE:~~

~~(I) TITLE;~~

~~(II) AUTHOR;~~

~~(III) PUBLISHER;~~

~~(IV) EDITION;~~

~~(V) COPYRIGHT DATE AND PUBLICATION DATE WHEN AVAILABLE;~~

~~(VI) ISBN; AND~~

~~(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.~~

1           ~~(3)~~ (2)       (I) AN INSTITUTION OF HIGHER EDUCATION SHALL  
 2 MAKE THE INFORMATION LISTED UNDER PARAGRAPH ~~(2)~~ (3) OF THIS  
 3 SUBSECTION AVAILABLE TO BOOKSTORES, STUDENTS, AND THE REST OF THE  
 4 PUBLIC BY POSTING THE INFORMATION ON ITS WEBSITE BY THE EARLIER OF:

5                           1. SUBJECT TO ~~PARAGRAPH (4)~~ PARAGRAPHS (4)  
 6 AND (5) OF THIS SUBSECTION, ~~1 WEEK~~ 3 WEEKS FOLLOWING THE ~~PROVISION OF~~  
 7 ~~INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION~~ SELECTION BY A  
 8 FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL; OR

9                           2. ~~WHEN A CAMPUS BOOKSTORE PLACES A FINAL~~  
 10 ~~ORDER FOR A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL~~ WHEN THE  
 11 SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR  
 12 SUPPLEMENTAL MATERIAL IS FINALIZED.

13                           (II) IN ADDITION TO THE INFORMATION POSTED UNDER  
 14 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL POST ON ITS  
 15 WEBSITE:

16                           1. WHETHER SUPPLEMENTAL MATERIAL IS  
 17 REQUIRED OR ONLY SUGGESTED BY FACULTY; AND

18                           2. WHETHER A PREVIOUS EDITION OF AN ASSIGNED  
 19 COLLEGE TEXTBOOK WILL SUFFICE.

20                           (3) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPHS (1)  
 21 AND (2) OF THIS SUBSECTION SHALL INCLUDE THE:

22                           (I) TITLE;

23                           (II) AUTHOR;

24                           (III) PUBLISHER;

25                           (IV) EDITION;

26                           (V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN  
 27 AVAILABLE;

28                           (VI) ISBN; AND

29                           (VII) ANTICIPATED ENROLLMENT FOR THE COURSE.

1           (4) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL  
 2 INFORM A BOOKSTORE ~~THAT MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS~~  
 3 ~~SUBSECTION AND~~, STUDENTS, OR MEMBERS OF THE PUBLIC WHO ACCESS THE  
 4 WEBSITE OF THE INSTITUTION UNDER PARAGRAPH ~~(3)~~ (2) OF THIS SUBSECTION  
 5 IF THE SELECTION OF A THE PARTICULAR COLLEGE TEXTBOOK, SUPPLEMENTAL  
 6 MATERIAL, OR BUNDLE HAS NOT BEEN FINALIZED BY THE FACULTY MEMBER.

7           (II) IN ADDITION TO THE DISCLOSURE MADE UNDER  
 8 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION, CAMPUS  
 9 BOOKSTORE, OR OTHER BOOKSTORE THAT OFFERS A COLLEGE TEXTBOOK OR  
 10 SUPPLEMENTAL MATERIAL FOR SALE PRIOR TO THE SELECTION BEING  
 11 FINALIZED SHALL PROVIDE A:

12                     1. A CAVEAT REGARDING THE POTENTIAL  
 13 CONSEQUENCES OF PURCHASING A THE PARTICULAR COLLEGE TEXTBOOK,  
 14 SUPPLEMENTAL MATERIAL, OR BUNDLE PRIOR TO THE SELECTION BEING  
 15 FINALIZED; AND

16                     2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE  
 17 OR OTHER BOOKSTORE, AS APPROPRIATE.

18           (5) (I) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS  
 19 SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY  
 20 BE GRANTED TO A FACULTY MEMBER FROM THE REQUIREMENT TO POST THE  
 21 SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL PRIOR TO  
 22 THE SELECTION BEING FINALIZED.

23                     (II) THE EXTENSION GRANTED UNDER SUBPARAGRAPH (I)  
 24 OF THIS PARAGRAPH SHALL BE APPROVED BY THE FACULTY DEPARTMENT  
 25 CHAIR AND THE DEAN OR DIVISION HEAD OF THE INSTITUTION.

26                     (III) THE EXTENSION SHALL INCLUDE A WRITTEN  
 27 STATEMENT OF EXPLANATION FOR THE EXTENSION.

28                     (IV) AN INSTITUTION SHALL POST THE WRITTEN STATEMENT  
 29 ON ITS WEBSITE INSTEAD OF THE SELECTION, AS APPROPRIATE.

30           (H) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT  
 31 ENCOURAGE OR PROMOTE THE CREATION OR SALE OF COLLEGE TEXTBOOKS  
 32 THAT CONSIST OF PURELY AESTHETIC CHANGES TO A PRIOR EDITION OF A  
 33 COLLEGE TEXTBOOK SUCH AS A COMMEMORATIVE EDITION.

34           ~~(H) (I) ON THE REQUEST OF A BOOKSTORE, IF A PUBLIC INSTITUTION~~  
 35 ~~OF HIGHER EDUCATION ALLOWS A CAMPUS BOOKSTORE TO:~~

1           ~~(1) ADVERTISE OR SUBMIT ADVERTISING FOR INCLUSION IN~~  
 2 ~~ORIENTATION PACKETS, IN OTHER PRINT MATERIAL, OR ON THE WEBSITE OF~~  
 3 ~~THE INSTITUTION, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES~~  
 4 ~~TO ADVERTISE OR SUBMIT ADVERTISING FOR THE SAME INCLUSION; AND~~

5           ~~(2) ACCESS STUDENTS AS PART OF A PRESENTATION OR TOUR~~  
 6 ~~FOR A STUDENT GROUP OR A GROUP OF POTENTIAL STUDENTS, THEN THE~~  
 7 ~~INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO HAVE THE SAME ACCESS~~  
 8 ~~TO STUDENTS.~~

9           ~~(I) (J) (I)~~ THIS SECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE  
 10 INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY MEMBERS  
 11 INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL  
 12 MATERIAL.

13           ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

14           ~~(a) On or before November 1, 2010, the University System of Maryland, St.~~  
 15 ~~Mary's College of Maryland, Morgan State University, and the Maryland Association~~  
 16 ~~of Community Colleges shall submit reports to the Maryland Higher Education~~  
 17 ~~Commission, including a scientific and data driven analysis of college textbook prices~~  
 18 ~~at the constituent or member institutions, as appropriate, efforts to lower the cost of~~  
 19 ~~textbooks for their students, and recommendations for statewide policy initiatives that~~  
 20 ~~will further ameliorate the high cost of undergraduate and graduate education as~~  
 21 ~~impacted by textbook prices; and~~

22           ~~(b) On or before December 1, 2010, the Maryland Higher Education~~  
 23 ~~Commission shall compile the reports required under paragraph (a) of this section and~~  
 24 ~~shall forward a copy of the compilation to the Governor and, in accordance with §~~  
 25 ~~2-1246 of the State Government Article, the General Assembly.~~

26           ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That, on:~~

27           ~~(a) On~~ or before December 1, ~~2010~~ 2011, each public institution of higher  
 28 education in the State shall report to the ~~Governor and, in accordance with § 2-1246 of~~  
 29 ~~the State Government Article, the General Assembly,~~ Maryland Higher Education  
 30 Commission regarding efforts to lower the cost of textbooks for their ~~students,~~ students  
 31 and the "best-practices" process developed under § ~~15-112(e)(4)~~ 15-112(c)(3) of the  
 32 Education Article, as enacted by Section 1 of this Act, ~~and recommendations for~~  
 33 ~~statewide policy initiatives that will further ameliorate the high cost of undergraduate~~  
 34 ~~and graduate education as impacted by textbook prices.~~

35           ~~SECTION 4. 3. AND BE IT FURTHER ENACTED, That:~~

1 ~~(a)~~ (b) On or before December 1, 2011, the ~~Maryland Higher Education~~  
 2 Commission, in consultation with the University System of Maryland, St. Mary's  
 3 College of Maryland, Morgan State University, the Maryland Association of  
 4 Community Colleges, and the Maryland Independent College and University  
 5 Association, shall conduct a feasibility study regarding:

6 (1) the establishment of one or more textbook rental programs in  
 7 Maryland that would allow students to lease textbooks on a per book, per credit hour,  
 8 or per course basis, including an analysis of start-up costs and funding options such as  
 9 private sector donations and grants; ~~and~~

10 (2) the establishment of a statewide digital marketplace for college  
 11 textbooks and supplemental material including:

12 (i) an analysis of the infrastructure, technology, and support  
 13 services necessary to allow institutions, students, faculty, bookstores, publishers, and  
 14 other stakeholders to interact efficiently; and

15 (ii) a consideration of digital rights management capabilities  
 16 and transactional processes needed for both fee-based and no-cost content; and

17 (3) the accessibility of the digital marketplace and any and all  
 18 electronic textbooks and supplemental material to blind and print-disabled students  
 19 and faculty members.

20 ~~(b)~~ (c) On or before December 31, 2011, the ~~Maryland Higher Education~~  
 21 Commission shall:

22 (1) compile the reports required under paragraph (a) of this section;  
 23 and

24 (2) submit to the Governor and, in accordance with § 2-1246 of the  
 25 State Government Article, the General Assembly, the compilation, the results of the  
 26 feasibility studies conducted under paragraph ~~(a)~~ (b) of this section, and make  
 27 recommendations regarding textbook rental programs and, the establishment of a  
 28 digital marketplace including cost estimates to the Governor and, in accordance with §  
 29 2-1246 of the State Government Article, the General Assembly, and statewide policy  
 30 initiatives that will further ameliorate the high cost of undergraduate and graduate  
 31 education as impacted by textbook prices based on information gathered under  
 32 subsection (a) of this section.

33 SECTION ~~5~~ 4 3. AND BE IT FURTHER ENACTED, That:

34 (a) The University System of Maryland, under the direction of the Board of  
 35 Regents, shall conduct a study of changes that the University System of Maryland and  
 36 its constituent institutions can make to their business models regarding textbook  
 37 assignments and textbook purchasing in order to reduce the cost of textbooks to

1 students while preserving and enhancing the quality of educational materials  
2 available to students. Principles underlying this review shall include:

3 (1) the protection of academic freedom;

4 (2) the promotion of competition among publishers, bookstores, and  
5 other textbook vendors;

6 (3) the empowerment of faculty and students to access information  
7 about options which will strengthen their market power; and

8 (4) the exploration of:

9 (i) alternative approaches used in other universities, states,  
10 and countries;

11 (ii) new technologies; and

12 (iii) legal structures.

13 (b) The study conducted under subsection (a) of this section shall include, but  
14 not be limited to, an exploration of:

15 (1) using the market power of faculty and students to drive down  
16 prices;

17 (2) strategies to increase the use of used textbooks;

18 (3) the creation of textbook rental programs;

19 (4) increasing faculty awareness of textbook costs and options for  
20 reducing textbook costs;

21 (5) minimizing the impact of publishers' "planned obsolescence"  
22 marketing strategies; ~~and~~

23 (6) cost-effective substitution of content-licensing for textbook  
24 purchasing; and

25 (7) ensuring that any and all electronic textbooks and supplemental  
26 material shall be accessible to blind and print-disabled students and faculty members.

27 (c) On or before December 1, 2010, the University System of Maryland shall  
28 submit to the Board of Regents and, in accordance with § 2-1246 of the State  
29 Government Article, the General Assembly, the results of the study required under  
30 subsection (a) of this section.

1 (d) Nothing contained in this section bars the University System of  
2 Maryland from implementing changes consistent with its intent before December 1,  
3 2010.

4 SECTION ~~6~~ ~~5~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
5 effect July 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.