

SENATE BILL 183

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CF HB 85

By: **Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, and Raskin**

Introduced and read first time: January 22, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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, and
6 certain best practices processes; requiring certain institutions to develop a
7 certain process for the affirmation and acknowledgment by certain faculty of
8 certain information; requiring certain publishers to disclose certain information
9 in certain formats relating to certain prices, certain textbook-related
10 information, certain content revisions, certain other formats, and certain
11 variances in price; requiring certain publishers and certain bookstores to
12 provide and sell certain textbooks and certain supplemental material in a
13 certain manner and to work with certain faculty members to find certain
14 alternatives under certain circumstances; requiring certain textbooks and
15 certain supplemental material to be available in certain packages; requiring
16 certain institutions to provide certain information to certain bookstores under
17 certain circumstances, subject to certain notifications; requiring certain
18 institutions to make certain information available by posting it on certain
19 websites on or before a certain time; requiring certain institutions to allow
20 certain bookstores to advertise and have certain access to certain students
21 under certain circumstances; providing for a certain exception to the provisions
22 of this Act; providing for the construction of this Act; requiring certain
23 institutions to make certain reports to the Maryland Higher Education
24 Commission regarding certain analyses of certain textbook prices and certain
25 other information on or before a certain date; requiring the Commission to
26 compile certain reports and forward the compilation to the Governor and the
27 General Assembly on or before a certain date; requiring certain institutions to
28 report regarding certain policies developed in accordance with this Act;
29 requiring the Commission, in consultation with certain stakeholders, to conduct
30 certain feasibility studies on or before a certain date; requiring the University

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 System of Maryland to conduct a certain study regarding certain business
 2 models and report the results of the study to the Board of Regents and the
 3 General Assembly; defining certain terms; and generally relating to the sale of
 4 college textbooks.

5 BY adding to
 6 Article – Education
 7 Section 15–112
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume)

10 Preamble

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

14 WHEREAS, The textbook market is supply–driven rather than demand–driven
 15 and consequently offers consumers (students) no role in determining price, format, or
 16 quality of the product; and

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

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

21 **Article – Education**

22 **15–112.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
 24 **MEANINGS INDICATED.**

25 **(2) (I) “BOOKSTORE” MEANS ANY ENTITY THAT OFFERS BOOKS**
 26 **OR OTHER COURSE MATERIALS FOR SALE.**

27 **(II) “BOOKSTORE” INCLUDES CAMPUS BOOKSTORES AND**
 28 **ONLINE VENDORS.**

29 **(3) (I) “BUNDLE” MEANS ONE OR MORE COLLEGE TEXTBOOKS**
 30 **OR OTHER SUPPLEMENTAL MATERIAL THAT ARE PACKAGED TOGETHER TO BE**
 31 **SOLD AS COURSE MATERIALS FOR ONE PRICE.**

32 **(II) “BUNDLE” DOES NOT INCLUDE SINGLE, CUSTOM, OR**
 33 **INTEGRATED TEXTBOOKS.**

1 (4) **“CAMPUS BOOKSTORE” MEANS A BOOKSTORE UNDER THE**
2 **JURISDICTION OF AN INSTITUTION OF HIGHER EDUCATION.**

3 (5) (I) **“CUSTOM TEXTBOOK” MEANS A COLLEGE TEXTBOOK**
4 **THAT IS COMPILED BY A PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER**
5 **OR OTHER PERSON OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE**
6 **MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION.**

7 (II) **“CUSTOM TEXTBOOK” INCLUDES ORIGINAL**
8 **INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, COPYRIGHTED**
9 **THIRD-PARTY MATERIAL, OR ELEMENTS UNIQUE TO A SPECIFIC INSTITUTION,**
10 **SUCH AS COMMEMORATIVE EDITIONS.**

11 (6) **“INTEGRATED TEXTBOOK” MEANS A COLLEGE TEXTBOOK**
12 **THAT IS COMBINED WITH:**

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

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

21 (7) **“ISBN” MEANS THE UNIQUE INTERNATIONAL STANDARD**
22 **BOOK NUMBER ASSIGNED TO A COLLEGE TEXTBOOK THAT IS USED BY**
23 **PUBLISHERS TO IDENTIFY EACH EDITION AND PRINTING OF A COLLEGE**
24 **TEXTBOOK.**

25 (8) **“SUBSTANTIAL CONTENT” MEANS A PART OF A COLLEGE**
26 **TEXTBOOK, SUCH AS NEW CHAPTERS, NEW MATERIAL COVERING ADDITIONAL**
27 **ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.**

28 (9) (I) **“SUPPLEMENTAL MATERIAL” MEANS EDUCATIONAL**
29 **MATERIAL DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK THAT IS NOT**
30 **BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK.**

31 (II) **“SUPPLEMENTAL MATERIAL” INCLUDES PRINTED**
32 **MATERIALS AND ELECTRONIC MATERIALS SUCH AS COMPUTER DISKS AND WEB**
33 **ACCESS CODES.**

34 (B) **THIS SECTION DOES NOT APPLY TO THE OVERSEAS PROGRAMS OF**
35 **THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE.**

1 **(C) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE**
2 **SHALL DEVELOP AND IMPLEMENT:**

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

5 **(I) WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF**
6 **ANY, OF COLLEGE TEXTBOOKS AND OF SUPPLEMENTAL MATERIAL;**

7 **(II) VARIANCES IN WHOLESALE PRICE AND SUGGESTED**
8 **RETAIL PRICES, IF ANY, OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**

9 **(III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN**
10 **THE CURRENT EDITION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL**
11 **MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR**
12 **SUPPLEMENTAL MATERIAL AS REPORTED TO THE INSTITUTION UNDER**
13 **SUBSECTION (E) OF THIS SECTION; AND**

14 **(IV) THE FISCAL IMPACT TO STUDENTS OF THE HIGH COST**
15 **OF COLLEGE TEXTBOOKS;**

16 **(2) A COLLEGE TEXTBOOK ADOPTION PROCESS THAT INCLUDES**
17 **THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES**
18 **REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF NEW**
19 **CURRENT EDITIONS, USED CURRENT EDITIONS, NEW PREVIOUS EDITIONS, AND**
20 **USED PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL**
21 **MATERIAL;**

22 **(3) A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS ARE**
23 **MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER**
24 **SUBSECTION (G) OF THIS SECTION; AND**

25 **(4) A BEST-PRACTICES PROCESS FOR FACULTY IN SELECTING**
26 **COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL THAT:**

27 **(I) ENSURES EARLY ADOPTION OF COLLEGE TEXTBOOKS**
28 **AND SUPPLEMENTAL MATERIAL;**

29 **(II) ENCOURAGES THE MAXIMUM USAGE OF USED COLLEGE**
30 **TEXTBOOKS AND OF PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS, WHEN**
31 **POSSIBLE;**

32 **(III) FOR UNDERGRADUATE COLLEGE TEXTBOOKS, ENSURES**
33 **THAT THE MAJORITY OF THE ASSIGNED MATERIAL WILL BE USED IN THE**

1 COURSE UNLESS IT WOULD BE IN THE STUDENT'S FINANCIAL INTEREST TO
2 PURCHASE SEPARATE MATERIALS; AND

3 (IV) ENSURES THAT FACULTY ARE AWARE OF VARIOUS
4 OUTLETS FOR THE SUPPLY OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL
5 MATERIAL.

6 (D) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
7 DEVELOP A PROCESS BY WHICH FACULTY MEMBERS AFFIRM AND
8 ACKNOWLEDGE THE INFORMATION UNDER PARAGRAPH (2) OF THIS
9 SUBSECTION.

10 (2) BEFORE IDENTIFYING A COLLEGE TEXTBOOK OR
11 SUPPLEMENTAL MATERIAL AND BEFORE TRANSMITTING THE SELECTION TO A
12 CAMPUS BOOKSTORE, PROVIDING THE SELECTION TO ANY OTHER BOOKSTORE,
13 OR POSTING THE SELECTION ON THE WEBSITE OF THE PUBLIC INSTITUTION OF
14 HIGHER EDUCATION, A FACULTY MEMBER SHALL:

15 (I) IF SELECTING A DIFFERENT COLLEGE TEXTBOOK FROM
16 A DIFFERENT PUBLISHER, AFFIRM AND ACKNOWLEDGE THE COST OF THE NEW
17 SELECTION VERSUS THE COST OF THE PREVIOUS SELECTION; OR

18 (II) IF SELECTING A CURRENT EDITION OF A COLLEGE
19 TEXTBOOK, AFFIRM AND ACKNOWLEDGE:

20 1. THE DIFFERENCES IN SUBSTANTIAL CONTENT
21 BETWEEN THE CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS
22 EDITION OF THE TEXTBOOK;

23 2. THAT THE USE OF THE CURRENT EDITION IS
24 JUSTIFIED DUE TO A MATERIAL CHANGE IN SUBSTANTIAL CONTENT BETWEEN
25 THE CURRENT EDITION AND THE PREVIOUS EDITION;

26 3. THE DIFFERENCE IN PRICE BETWEEN THE
27 CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS EDITION OF THE
28 TEXTBOOK; AND

29 4. THAT THE PREVIOUS EDITION OF THE TEXTBOOK
30 MAY BE AVAILABLE TO STUDENTS AT A LOWER PRICE VIA THE USED BOOK
31 MARKET.

32 (E) (1) A PUBLISHER WHO SELLS COLLEGE TEXTBOOKS OR
33 SUPPLEMENTAL MATERIAL AND PROVIDES INFORMATION REGARDING A
34 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL TO A FACULTY MEMBER,

1 OTHER ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS, OR
2 THE ADMINISTRATION OF AN INSTITUTION OF HIGHER EDUCATION SHALL
3 DISCLOSE WITH THIS INFORMATION, IN WRITING, BY PAPER OR ELECTRONIC
4 MEANS:

5 (I) THE PRICE AT WHICH THE PUBLISHER WOULD MAKE
6 THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO A
7 BOOKSTORE AND THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE
8 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE DIRECTLY TO
9 THE PUBLIC;

10 (II) THE TITLE, AUTHOR, PUBLISHER, EDITION, CURRENT
11 AND THREE PREVIOUS COPYRIGHT DATES, PUBLICATION DATE WHEN
12 AVAILABLE, AND ISBN OF THE COLLEGE TEXTBOOK AND SUPPLEMENTAL
13 MATERIAL, BOTH AS BUNDLED AND UNBUNDLED ITEMS;

14 (III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN
15 THE CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL
16 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR
17 SUPPLEMENTAL MATERIAL EXPRESSED AS AN ITEMIZED LIST;

18 (IV) OTHER AVAILABLE FORMATS FOR THE COLLEGE
19 TEXTBOOK OR SUPPLEMENTAL MATERIAL SUCH AS PAPERBACK OR UNBOUND;
20 AND

21 (V) VARIANCES IN PRICE, IF ANY, BETWEEN BUNDLED AND
22 UNBUNDLED ITEMS.

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

28 (F) (1) A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE
29 AND SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN THE SAME
30 MANNER AS SELECTED AND ORDERED BY FACULTY MEMBERS.

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

34 (II) A PUBLISHER COLLABORATING WITH A CAMPUS
35 BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS

1 PARAGRAPH SHALL PROVIDE WHOLESALE PRICES AND SUGGESTED RETAIL
2 PRICES, IF ANY, FOR ALTERNATIVE COLLEGE TEXTBOOKS AND SUPPLEMENTAL
3 MATERIAL.

4 (3) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND ANY
5 SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE TEXTBOOK IN A
6 BUNDLE SHALL ALSO MAKE AVAILABLE THE COLLEGE TEXTBOOK AND THE
7 SUPPLEMENTAL MATERIAL AS SEPARATE AND UNBUNDLED ITEMS, EACH
8 SEPARATELY PRICED.

9 (G) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON THE
10 REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL
11 PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS
12 SUBSECTION TO A BOOKSTORE AS SOON AS A FACULTY MEMBER IDENTIFIES A
13 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMITS THE
14 SELECTION TO A CAMPUS BOOKSTORE.

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

17 (I) TITLE;

18 (II) AUTHOR;

19 (III) PUBLISHER;

20 (IV) EDITION;

21 (V) COPYRIGHT DATE AND PUBLICATION DATE WHEN
22 AVAILABLE;

23 (VI) ISBN; AND

24 (VII) ANTICIPATED ENROLLMENT FOR THE COURSE.

25 (3) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE
26 THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION
27 AVAILABLE TO STUDENTS AND THE REST OF THE PUBLIC BY POSTING THE
28 INFORMATION ON ITS WEBSITE BY THE EARLIER OF:

29 1. SUBJECT TO PARAGRAPH (4) OF THIS
30 SUBSECTION, 1 WEEK FOLLOWING THE PROVISION OF INFORMATION UNDER
31 PARAGRAPH (1) OF THIS SUBSECTION; OR

1 **2. WHEN A CAMPUS BOOKSTORE PLACES A FINAL**
2 **ORDER FOR A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL.**

3 **(II) IN ADDITION TO THE INFORMATION POSTED UNDER**
4 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL POST ON ITS**
5 **WEBSITE:**

6 **1. WHETHER SUPPLEMENTAL MATERIAL IS**
7 **REQUIRED OR ONLY SUGGESTED BY FACULTY; AND**

8 **2. WHETHER A PREVIOUS EDITION OF AN ASSIGNED**
9 **COLLEGE TEXTBOOK WILL SUFFICE.**

10 **(4) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL**
11 **INFORM A BOOKSTORE THAT MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS**
12 **SUBSECTION AND STUDENTS OR MEMBERS OF THE PUBLIC WHO ACCESS THE**
13 **WEBSITE OF THE INSTITUTION UNDER PARAGRAPH (3) OF THIS SUBSECTION IF**
14 **A COLLEGE TEXTBOOK, SUPPLEMENTAL MATERIAL, OR BUNDLE HAS NOT BEEN**
15 **FINALIZED BY THE FACULTY MEMBER.**

16 **(II) IN ADDITION TO THE DISCLOSURE MADE UNDER**
17 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL PROVIDE A**
18 **CAVEAT REGARDING THE POTENTIAL CONSEQUENCES OF PURCHASING A**
19 **COLLEGE TEXTBOOK, SUPPLEMENTAL MATERIAL, OR BUNDLE PRIOR TO THE**
20 **SELECTION BEING FINALIZED.**

21 **(H) ON THE REQUEST OF A BOOKSTORE, IF A PUBLIC INSTITUTION OF**
22 **HIGHER EDUCATION ALLOWS A CAMPUS BOOKSTORE TO:**

23 **(1) ADVERTISE OR SUBMIT ADVERTISING FOR INCLUSION IN**
24 **ORIENTATION PACKETS, IN OTHER PRINT MATERIAL, OR ON THE WEBSITE OF**
25 **THE INSTITUTION, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES**
26 **TO ADVERTISE OR SUBMIT ADVERTISING FOR THE SAME INCLUSION; AND**

27 **(2) ACCESS STUDENTS AS PART OF A PRESENTATION OR TOUR**
28 **FOR A STUDENT GROUP OR A GROUP OF POTENTIAL STUDENTS, THEN THE**
29 **INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO HAVE THE SAME ACCESS**
30 **TO STUDENTS.**

31 **(I) THIS SECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE**
32 **INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY MEMBERS**
33 **INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL**
34 **MATERIAL.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

9 (b) On or before December 1, 2010, the Maryland Higher Education
10 Commission shall compile the reports required under paragraph (a) of this section and
11 shall forward a copy of the compilation to the Governor and, in accordance with §
12 2-1246 of the State Government Article, the General Assembly.

13 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
14 2010, each public institution of higher education in the State shall report to the
15 Governor and, in accordance with § 2-1246 of the State Government Article, the
16 General Assembly, regarding the "best-practices" process developed under §
17 15-112(c)(4) of the Education Article, as enacted by Section 1 of this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That:

19 (a) On or before December 1, 2011, the Maryland Higher Education
20 Commission, in consultation with the University System of Maryland, St. Mary's
21 College of Maryland, Morgan State University, the Maryland Association of
22 Community Colleges, and the Maryland Independent College and University
23 Association, shall conduct a feasibility study regarding:

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

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

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

33 (ii) a consideration of digital rights management capabilities
34 and transactional processes needed for both fee-based and no-cost content.

35 (b) On or before December 31, 2011, the Maryland Higher Education
36 Commission shall submit the results of the feasibility studies conducted under
37 paragraph (a) of this section and make recommendations regarding textbook rental
38 programs and the establishment of a digital marketplace including cost estimates to

1 the Governor and, in accordance with § 2-1246 of the State Government Article, the
2 General Assembly, based on information gathered under subsection (a) of this section.

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

4 (a) The University System of Maryland, under the direction of the Board of
5 Regents, shall conduct a study of changes that the University System of Maryland and
6 its constituent institutions can make to their business models regarding textbook
7 assignments and textbook purchasing in order to reduce the cost of textbooks to
8 students while preserving and enhancing the quality of educational materials
9 available to students. Principles underlying this review shall include:

10 (1) the protection of academic freedom;

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

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

15 (4) the exploration of:

16 (i) alternative approaches used in other universities, states,
17 and countries;

18 (ii) new technologies; and

19 (iii) legal structures.

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

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

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

25 (3) the creation of textbook rental programs;

26 (4) increasing faculty awareness of textbook costs and options for
27 reducing textbook costs;

28 (5) minimizing the impact of publishers' "planned obsolescence"
29 marketing strategies; and

30 (6) cost-effective substitution of content-licensing for textbook
31 purchasing.

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

5 (d) Nothing contained in this section bars the University System of
6 Maryland from implementing changes consistent with its intent before December 1,
7 2010.

8 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2009.