

SENATE BILL 657

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By: **Senators Conway, Pinsky, Rosapepe, Colburn, Dyson, Greenip,
Klausmeier, Lenett, and Raskin**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **College Textbook Competition and Affordability Act of 2008**

3 FOR the purpose of requiring certain institutions of postsecondary education to
4 develop and implement certain processes to make certain faculty members
5 aware of certain information; providing that certain prices must remain in effect
6 for a certain term under certain circumstances; requiring certain faculty
7 members to allow certain students to use certain editions of certain textbooks
8 under certain circumstances; prohibiting certain faculty members from selecting
9 certain textbooks unless a certain percentage of material will be used for certain
10 courses; prohibiting certain access codes from exceeding a certain percentage of
11 the price of certain textbooks except under certain circumstances; requiring
12 certain faculty members to make certain affirmations under certain
13 circumstances; prohibiting certain bookstores from bundling certain materials
14 without prior approval from certain faculty members; requiring certain
15 institutions of postsecondary education to adopt certain procedures; requiring
16 certain institutions of postsecondary education to list certain information
17 regarding certain textbooks on certain websites at certain times; prohibiting
18 certain revenues from exceeding certain expenditures except under certain
19 circumstances; requiring certain institutions of postsecondary education to
20 make certain reports to the Maryland Higher Education Commission regarding
21 certain analyses of certain textbook prices and certain other information on or
22 before a certain date; requiring the Commission to compile certain reports and
23 forward the compilation to the Governor and the General Assembly on or before
24 a certain date; requiring certain institutions of postsecondary education to
25 develop and implement certain policies for lowering the cost of textbooks on or
26 before a certain date; defining certain terms; and generally relating to the sale
27 of college textbooks.

28 BY adding to
29 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 15–111
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2007 Supplement)

4 Preamble

5 WHEREAS, In 2005, the Government Accounting Office (GAO) reported that
6 during the period of December 1986 through December 2004, tuition and fees
7 increased 240%, college textbook prices increased 186%, and inflation increased only
8 72%; and

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

12 WHEREAS, The dissemination of a book’s International Standard Book
13 Number (ISBN) in advance of a course enables a student to more easily access the
14 used book market and on–line book markets, thereby promoting competition and
15 saving the student money; and

16 WHEREAS, The practice of packaging textbooks with supplemental materials
17 and selling the package for a combined price known as “bundling” causes
18 consternation for the student who later discovers that the professor did not use the
19 supplemental materials and purchase of just the textbook would have been less
20 expensive; and

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

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

25 **Article – Education**

26 **15–111.**

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
28 MEANINGS INDICATED.

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

32 (II) “BUNDLE” DOES NOT INCLUDE SINGLE TEXTBOOKS.

1 **(3) "ISBN" MEANS THE UNIQUE INTERNATIONAL STANDARD**
2 **BOOK NUMBER ASSIGNED TO A TEXTBOOK THAT IS USED BY PUBLISHERS TO**
3 **IDENTIFY EACH EDITION AND PRINTING OF A TEXTBOOK.**

4 **(B) EACH PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION IN**
5 **THE STATE SHALL DEVELOP AND IMPLEMENT A PROCESS BY WHICH ITS**
6 **FACULTY MEMBERS ARE MADE AWARE OF:**

7 **(1) THE CHANGE IN CONTENT FROM ONE EDITION OF A**
8 **TEXTBOOK TO THE NEXT EXPRESSED AS A PERCENTAGE OF EDUCATIONAL**
9 **CONTENT CHANGED AND AS AN ITEMIZED LIST;**

10 **(2) A SAMPLING OF PRICES INDICATIVE OF THE RANGE OF**
11 **PRICES BEING CHARGED FOR THE NEWEST VERSION OF A SELECTED TEXTBOOK;**

12 **(3) THE AVAILABILITY OF USED VERSIONS OF A SELECTED**
13 **TEXTBOOK;**

14 **(4) A SAMPLING OF PRICES INDICATIVE OF THE RANGE OF**
15 **PRICES BEING CHARGED FOR THE USED VERSION OF A SELECTED TEXTBOOK;**

16 **(5) THE FISCAL IMPACT ON STUDENTS OF SELECTING BUNDLED**
17 **MATERIALS; AND**

18 **(6) ANY OTHER PROVISIONS OF THIS SECTION THAT APPLY TO**
19 **FACULTY MEMBERS.**

20 **(C) IF AN INSTITUTION OF POSTSECONDARY EDUCATION SEEKS THE**
21 **INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FROM A**
22 **PUBLISHER, A QUOTED PRICE FROM A PUBLISHER SHALL REMAIN IN EFFECT**
23 **DURING THE TERM FOR WHICH THE TEXTBOOK IS BEING USED.**

24 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN**
25 **SELECTING A TEXTBOOK A FACULTY MEMBER SHALL ALLOW A STUDENT TO USE**
26 **THE PRIOR EDITION OF A NEW TEXTBOOK IF LESS THAN 30% OF THE**
27 **EDUCATIONAL CONTENT, AS REPORTED UNDER SUBSECTION (B)(1) OF THIS**
28 **SECTION, HAS BEEN CHANGED.**

29 **(2) A FACULTY MEMBER MAY NOT SELECT A TEXTBOOK TO BE**
30 **PURCHASED BY STUDENTS UNLESS AT LEAST 50% OF THE MATERIAL IN THE**
31 **TEXTBOOK WILL BE USED FOR THE COURSE.**

32 **(E) WHEN SELECTING A WEB ACCESS CODE AS A SUPPLEMENTAL**
33 **MATERIAL FOR A COURSE, THE PRICE OF THE WEB ACCESS CODE MAY NOT**

1 **EXCEED 10% OF THE PRICE OF THE TEXTBOOK UNLESS THE WEB ACCESS CODE**
2 **HAS BUY-BACK OR RESALE POTENTIAL.**

3 **(F) (1) WHEN SELECTING BUNDLED MATERIALS RATHER THAN**
4 **SELECTING A TEXTBOOK AND SUPPLEMENTAL MATERIALS INDIVIDUALLY, A**
5 **FACULTY MEMBER SHALL AFFIRM THAT EACH ITEM IN THE BUNDLE WILL BE**
6 **USED FOR THE COURSE.**

7 **(2) A BOOKSTORE MAY NOT BUNDLE MATERIALS WITHOUT PRIOR**
8 **APPROVAL FROM THE FACULTY MEMBER WHO SELECTED THE TEXTBOOK.**

9 **(3) EACH INSTITUTION OF POSTSECONDARY EDUCATION SHALL**
10 **ADOPT PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

11 **(G) (1) AN INSTITUTION OF POSTSECONDARY EDUCATION SHALL LIST**
12 **INFORMATION REGARDING EACH ASSIGNED TEXTBOOK ON THE WEBSITE OF THE**
13 **INSTITUTION THE EARLIER OF:**

14 **(I) EIGHT WEEKS BEFORE THE COMMENCEMENT OF A**
15 **COURSE; OR**

16 **(II) WHEN THE CAMPUS BOOKSTORE PLACES THE INITIAL**
17 **ORDER FOR THE TEXTBOOK.**

18 **(2) THE INFORMATION POSTED UNDER PARAGRAPH (1) OF THIS**
19 **SUBSECTION SHALL INCLUDE:**

20 **(I) THE TITLE;**

21 **(II) THE AUTHOR;**

22 **(III) THE PUBLISHER;**

23 **(IV) THE EDITION;**

24 **(V) THE PUBLICATION DATE; AND**

25 **(VI) THE ISBN.**

26 **(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
27 **SUBSECTION, REVENUES GENERATED BY AN INSTITUTION OF POSTSECONDARY**
28 **EDUCATION THROUGH THE OPERATION OF A CAMPUS BOOKSTORE MAY NOT**
29 **EXCEED EXPENDITURES NEEDED TO SUPPORT THE CAMPUS BOOKSTORE.**

1 **(2) REVENUES GENERATED BY AN INSTITUTION OF**
2 **POSTSECONDARY EDUCATION THROUGH THE OPERATION OF A CAMPUS**
3 **BOOKSTORE MAY EXCEED EXPENDITURES NEEDED TO SUPPORT THE CAMPUS**
4 **BOOKSTORE IF THE REVENUES ARE USED TO LOWER THE OVERALL COST OF**
5 **TEXTBOOKS FOR ITS STUDENTS WHICH MAY INCLUDE THE IMPLEMENTATION OF**
6 **TEXTBOOK RENTAL PROGRAMS.**

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

8 (a) On or before November 1, 2008, each institution of postsecondary
9 education in the State shall report to the Maryland Higher Education Commission a
10 scientific and data-driven analysis of textbook prices at that institution, efforts to
11 lower the cost of textbooks for its students, and recommendations for statewide policy
12 initiatives that will further ameliorate the high cost of undergraduate and graduate
13 education as impacted by textbook prices; and

14 (b) On or before December 1, 2008, the Maryland Higher Education
15 Commission shall compile the reports required under paragraph (a) of this section and
16 shall forward a copy of the compilation to the Governor and, in accordance with §
17 2-1246 of the State Government Article, to the General Assembly.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December
19 1, 2009, each institution of postsecondary education in the State shall develop and
20 implement a “best practices” policy for lowering the cost of textbooks for its students.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2008.