

HOUSE BILL 85

F2

9lr0334
CF SB 183

By: **Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena-Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: January 19, 2009

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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;~~ 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
14 work with certain faculty members to find certain alternatives under certain
15 circumstances; requiring certain textbooks and certain supplemental material
16 to be available in certain packages; ~~requiring certain institutions to provide~~
17 ~~certain information to certain bookstores under certain circumstances, subject~~
18 ~~to certain notifications;~~ requiring certain institutions to make certain
19 information available by posting it on certain websites on or before a certain
20 time subject to a certain extension under certain circumstances; prohibiting
21 certain institutions from encouraging or promoting the creation or sale of
22 certain types of textbooks; ~~requiring certain institutions to allow certain~~

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.



1 ~~bookstores to advertise and have certain access to certain students under~~
 2 ~~certain circumstances; providing for a certain exception to the provisions of this~~
 3 ~~Act; providing for the construction of this Act; requiring certain institutions to~~
 4 ~~make certain reports to the Maryland Higher Education Commission regarding~~
 5 ~~certain analyses of certain textbook prices and certain other information on or~~
 6 ~~before a certain date; requiring the Commission to compile certain reports and~~
 7 ~~forward the compilation to the Governor and the General Assembly on or before~~
 8 ~~a certain date; requiring certain institutions to report to the Maryland Higher~~
 9 Education Commission regarding certain efforts to lower the cost of certain
 10 textbooks and certain policies developed in accordance with this Act; requiring
 11 the Commission, in consultation with certain stakeholders, to conduct certain
 12 feasibility studies on or before a certain date and report to the Governor and the
 13 General Assembly on or before a certain date; requiring the University System
 14 of Maryland to conduct a certain study regarding certain business models and
 15 report the results of the study to the Board of Regents and the General
 16 Assembly; defining certain terms; and generally relating to the sale of college
 17 textbooks.

18 BY adding to
 19 Article – Education
 20 Section 15–112
 21 Annotated Code of Maryland
 22 (2008 Replacement Volume)

23 Preamble

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

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

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

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

34 **Article – Education**

35 **15–112.**

36 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 37 MEANINGS INDICATED.

1 (2) (I) **“BOOKSTORE” MEANS ANY ENTITY THAT OFFERS BOOKS**
2 **OR OTHER COURSE MATERIALS FOR SALE AND IS LICENSED BY THE**
3 **COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL**
4 **ARTICLE.**

5 (II) **“BOOKSTORE” INCLUDES CAMPUS BOOKSTORES AND**
6 **ONLINE VENDORS.**

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

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

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

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

18 (II) **“CUSTOM TEXTBOOK” INCLUDES ORIGINAL**
19 **INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, OR**
20 **COPYRIGHTED THIRD-PARTY MATERIAL, OR ELEMENTS UNIQUE TO A SPECIFIC**
21 **INSTITUTION, SUCH AS COMMEMORATIVE EDITIONS.**

22 (III) **“CUSTOM TEXTBOOK” DOES NOT INCLUDE PURELY**
23 **AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A**
24 **PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.**

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

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

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

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

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

10 ~~(8)~~ (9) "SUBSTANTIAL CONTENT" MEANS A PART OF A
 11 COLLEGE TEXTBOOK, SUCH AS NEW CHAPTERS, NEW MATERIAL COVERING
 12 ADDITIONAL ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.

13 ~~(9)~~ (10) (I) "SUPPLEMENTAL MATERIAL" MEANS
 14 EDUCATIONAL MATERIAL DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK
 15 THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK.

16 (II) "SUPPLEMENTAL MATERIAL" INCLUDES PRINTED
 17 MATERIALS AND ELECTRONIC MATERIALS SUCH AS COMPUTER DISKS AND WEB
 18 ACCESS CODES.

19 (11) "TEXTBOOK" INCLUDES CUSTOM TEXTBOOKS TO THE
 20 MAXIMUM EXTENT PRACTICABLE.

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

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

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

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

29 ~~(II) VARIANCES IN WHOLESALE PRICE AND SUGGESTED~~
 30 ~~RETAIL PRICES, IF ANY, OF BUNDLED AND UNBUNDLED COURSE MATERIALS;~~

31 ~~(III)~~ (II) SUBSTANTIAL CONTENT REVISIONS MADE
 32 BETWEEN THE CURRENT EDITION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL
 33 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR

1 SUPPLEMENTAL MATERIAL AS REPORTED TO THE INSTITUTION UNDER
2 SUBSECTION (E) OF THIS SECTION; ~~AND~~

3 (III) WHICH TEXTBOOKS ARE INTEGRATED TEXTBOOKS AND
4 ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, AS
5 REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION; AND

6 (IV) THE FISCAL IMPACT TO STUDENTS OF THE HIGH COST
7 OF COLLEGE TEXTBOOKS;

8 ~~(2) A COLLEGE TEXTBOOK ADOPTION PROCESS THAT INCLUDES~~
9 ~~THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES~~
10 ~~REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF NEW~~
11 ~~CURRENT EDITIONS, USED CURRENT EDITIONS, NEW PREVIOUS EDITIONS, AND~~
12 ~~USED PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL~~
13 ~~MATERIAL;~~

14 ~~(3)~~ (2) A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS
15 ARE MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER
16 SUBSECTION (G) OF THIS SECTION; AND

17 ~~(4)~~ (3) A BEST-PRACTICES PROCESS FOR FACULTY IN
18 SELECTING COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL THAT:

19 (I) ENSURES EARLY ADOPTION OF COLLEGE TEXTBOOKS
20 AND SUPPLEMENTAL MATERIAL;

21 (II) ENCOURAGES THE MAXIMUM USAGE OF USED COLLEGE
22 TEXTBOOKS AND OF PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS, WHEN
23 POSSIBLE;

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

28 (IV) ENSURES THAT FACULTY ARE AWARE OF VARIOUS
29 OUTLETS FOR THE SUPPLY OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL
30 MATERIAL.

31 (D) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
32 DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ~~AFFIRM AND~~
33 ACKNOWLEDGE THE INFORMATION UNDER PARAGRAPH (2) OF THIS
34 SUBSECTION.

1 (2) ~~BEFORE IDENTIFYING~~ SELECTING A COLLEGE TEXTBOOK OR
 2 SUPPLEMENTAL MATERIAL AND BEFORE TRANSMITTING THE SELECTION TO A
 3 CAMPUS BOOKSTORE, PROVIDING THE SELECTION TO ANY OTHER BOOKSTORE,
 4 OR POSTING THE SELECTION ON THE WEBSITE OF THE PUBLIC INSTITUTION OF
 5 HIGHER EDUCATION, A FACULTY MEMBER SHALL:

6 (I) IF SELECTING A DIFFERENT COLLEGE TEXTBOOK FROM
 7 A DIFFERENT PUBLISHER, ~~AFFIRM AND~~ ACKNOWLEDGE THE COST OF THE NEW
 8 SELECTION VERSUS THE COST OF THE PREVIOUS SELECTION; OR

9 (II) IF SELECTING A CURRENT EDITION OF A COLLEGE
 10 TEXTBOOK, ~~AFFIRM AND~~ ACKNOWLEDGE:

11 1. THE DIFFERENCES IN SUBSTANTIAL CONTENT
 12 BETWEEN THE CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS
 13 EDITION OF THE TEXTBOOK AS REPORTED BY THE PUBLISHER UNDER
 14 SUBSECTION (E) OF THIS SECTION;

15 2. THAT THE USE OF THE CURRENT EDITION IS
 16 ~~JUSTIFIED~~ APPROPRIATE DUE TO A MATERIAL CHANGE IN SUBSTANTIAL
 17 CONTENT BETWEEN THE CURRENT EDITION AND THE PREVIOUS EDITION;

18 3. THE DIFFERENCE IN PRICE BETWEEN THE
 19 CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS EDITION OF THE
 20 TEXTBOOK; ~~AND~~

21 4. THAT THE PREVIOUS EDITION OF THE TEXTBOOK
 22 MAY BE AVAILABLE TO STUDENTS AT A LOWER PRICE VIA THE USED BOOK
 23 MARKET; AND

24 5. THAT AN INTEGRATED TEXTBOOK IS NOT
 25 SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION.

26 (E) (1) A PUBLISHER ~~WHO~~ THAT SELLS COLLEGE TEXTBOOKS OR
 27 SUPPLEMENTAL MATERIAL AND PROVIDES INFORMATION REGARDING A
 28 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL TO A FACULTY MEMBER,
 29 OTHER ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS, OR
 30 THE ADMINISTRATION OF AN INSTITUTION OF HIGHER EDUCATION SHALL
 31 DISCLOSE WITH THIS INFORMATION, IN WRITING, BY PAPER OR ELECTRONIC
 32 MEANS:

33 (I) THE PRICE ~~AT WHICH THE PUBLISHER WOULD MAKE~~
 34 ~~THE~~ OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO
 35 ~~A BOOKSTORE AND THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE~~

1 ~~COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE DIRECTLY TO~~
2 ~~THE PUBLIC;~~

3 (II) THE TITLE, AUTHOR, PUBLISHER, EDITION, CURRENT
4 AND THREE PREVIOUS COPYRIGHT DATES, PUBLICATION DATE WHEN
5 AVAILABLE, AND ISBN OF THE COLLEGE TEXTBOOK AND SUPPLEMENTAL
6 MATERIAL, BOTH AS BUNDLED AND UNBUNDLED ITEMS;

7 (III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN
8 THE CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL
9 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR
10 SUPPLEMENTAL MATERIAL ~~EXPRESSED AS AN ITEMIZED LIST;~~

11 (IV) OTHER AVAILABLE FORMATS FOR THE COLLEGE
12 TEXTBOOK OR SUPPLEMENTAL MATERIAL SUCH AS PAPERBACK OR UNBOUND;
13 AND

14 (V) A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS
15 INTEGRATED TEXTBOOKS.

16 ~~(V) VARIANCES IN PRICE, IF ANY, BETWEEN BUNDLED AND~~
17 ~~UNBUNDLED ITEMS.~~

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

23 (3) THE PROVISIONS OF THIS SUBSECTION SHALL BE MET, TO
24 THE EXTENT PRACTICABLE, ON OR BEFORE OCTOBER 1, 2009 BUT NO LATER
25 THAN JULY 1, 2010.

26 (F) (1) A EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
27 SUBSECTION, A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE AND
28 SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN THE SAME
29 MANNER AS SELECTED AND ORDERED BY FACULTY MEMBERS.

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

33 (II) A PUBLISHER COLLABORATING WITH A CAMPUS
34 BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS
35 PARAGRAPH SHALL PROVIDE ~~WHOLESALE PRICES AND SUGGESTED RETAIL~~

1 ~~PRICES, IF ANY, PRICE INFORMATION FOR ALTERNATIVE COLLEGE TEXTBOOKS~~
 2 ~~AND SUPPLEMENTAL MATERIAL.~~

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

8 (4) WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS
 9 BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN
 10 A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY THE FACULTY
 11 MEMBER FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR
 12 EDITIONS, OR OTHER LOWER-COST OPTIONS TO STUDENTS.

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

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

21 ~~(I) TITLE;~~

22 ~~(II) AUTHOR;~~

23 ~~(III) PUBLISHER;~~

24 ~~(IV) EDITION;~~

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

27 ~~(VI) ISBN; AND~~

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

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

1 1. **SUBJECT TO ~~PARAGRAPH (4)~~ PARAGRAPHS (3)**
2 **AND (4) OF THIS SUBSECTION, ~~1 WEEK~~ 30 DAYS FOLLOWING THE PROVISION OF**
3 **INFORMATION UNDER ~~PARAGRAPH (1) OF THIS SUBSECTION~~ SELECTION BY A**
4 **FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL; OR**

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

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

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

12 1. **WHETHER SUPPLEMENTAL MATERIAL IS**
13 **REQUIRED OR ONLY SUGGESTED BY FACULTY; AND**

14 2. **WHETHER A PREVIOUS EDITION OF AN ASSIGNED**
15 **COLLEGE TEXTBOOK WILL SUFFICE.**

16 **(2) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPH (1)**
17 **OF THIS SUBSECTION SHALL INCLUDE THE:**

18 **(I) TITLE;**

19 **(II) AUTHOR;**

20 **(III) PUBLISHER;**

21 **(IV) EDITION;**

22 **(V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN**
23 **AVAILABLE;**

24 **(VI) ISBN; AND**

25 **(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.**

26 ~~(4) (3)~~ **(I) AN INSTITUTION OF HIGHER EDUCATION SHALL**
27 **INFORM A BOOKSTORE, ~~THAT MAKES A REQUEST UNDER PARAGRAPH (1) OF~~**
28 **~~THIS SUBSECTION AND~~ STUDENTS, OR MEMBERS OF THE PUBLIC WHO ACCESS**
29 **THE WEBSITE OF THE INSTITUTION UNDER PARAGRAPH ~~(3)~~ (1) OF THIS**
30 **SUBSECTION IF ~~A~~ THE SELECTION OF THE PARTICULAR COLLEGE TEXTBOOK,**

1 SUPPLEMENTAL MATERIAL, OR BUNDLE HAS NOT BEEN FINALIZED BY THE
2 FACULTY MEMBER.

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

8 1. A CAVEAT REGARDING THE POTENTIAL
9 CONSEQUENCES OF PURCHASING A THE PARTICULAR COLLEGE TEXTBOOK,
10 SUPPLEMENTAL MATERIAL, OR BUNDLE PRIOR TO THE SELECTION BEING
11 FINALIZED; AND

12 2. THE RETURN POLICY OF THE CAMPUS
13 BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE.

14 (4) (I) NOTWITHSTANDING PARAGRAPH (1) OF THIS
15 SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY
16 BE GRANTED TO A FACULTY MEMBER OR A CAMPUS BOOKSTORE FROM THE
17 REQUIREMENT TO POST THE SELECTION OF A COLLEGE TEXTBOOK OR
18 SUPPLEMENTAL MATERIAL PRIOR TO THE SELECTION BEING FINALIZED.

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

22 (III) THE EXTENSION SHALL INCLUDE A WRITTEN
23 STATEMENT OF EXPLANATION FOR THE EXTENSION.

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

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

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

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

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

5 (I) THIS SECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE
 6 INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY MEMBERS
 7 INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL
 8 MATERIAL.

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

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

18 ~~(b) On or before December 1, 2010, the Maryland Higher Education~~
 19 ~~Commission shall compile the reports required under paragraph (a) of this section and~~
 20 ~~shall forward a copy of the compilation to the Governor and, in accordance with §~~
 21 ~~2-1246 of the State Government Article, the General Assembly.~~

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

23 (a) On or before December 1, ~~2010~~ 2011, each public institution of higher
 24 education in the State shall report to the ~~Governor and, in accordance with § 2-1246 of~~
 25 ~~the State Government Article, the General Assembly,~~ Maryland Higher Education
 26 Commission regarding efforts to lower the cost of textbooks for their students and the
 27 "best-practices" process developed under § ~~15-112(c)(4)~~ 15-112(c)(3) of the Education
 28 Article, as enacted by Section 1 of this Act.

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

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

35 (1) the establishment of one or more textbook rental programs in
 36 Maryland that would allow students to lease textbooks on a per book, per credit hour,

1 or per course basis, including an analysis of start-up costs and funding options such as
2 private sector donations and grants; ~~and~~

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

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

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

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

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

15 (1) compile the reports required under paragraph (a) of this section;
16 and

17 (2) submit to the Governor and, in accordance with § 2-1246 of the
18 State Government Article, the General Assembly, the compilation, the results of the
19 feasibility studies conducted under paragraph (a) (b) of this section, and make
20 recommendations regarding textbook rental programs, and the establishment of a
21 digital marketplace including cost estimates to the Governor and, in accordance with §
22 2-1246 of the State Government Article, the General Assembly, and statewide policy
23 initiatives that will further ameliorate the high cost of undergraduate and graduate
24 education as impacted by textbook prices based on information gathered under
25 subsection (a) of this section.

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

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

33 (1) the protection of academic freedom;

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

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

3 (4) the exploration of:

4 (i) alternative approaches used in other universities, states,
5 and countries;

6 (ii) new technologies; and

7 (iii) legal structures.

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

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

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

13 (3) the creation of textbook rental programs;

14 (4) increasing faculty awareness of textbook costs and options for
15 reducing textbook costs;

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

18 (6) cost-effective substitution of content-licensing for textbook
19 purchasing; and

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

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

26 (d) Nothing contained in this section bars the University System of
27 Maryland from implementing changes consistent with its intent before December 1,
28 2010.

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