

## **College Textbook Competition and Affordability Act (SB183 / HB085 2009)**

### **Summary**

The State of Maryland's College Textbook Competition and Affordability Act of 2009 has as its purposes to establish practices in higher education institutions in the State in which textbook selection reflects consideration of textbook prices and ways to reduce costs to students, that posts textbook decisions in a timely manner to help students in obtaining assigned books at the least cost, and promotes competition. The statute notes that textbook prices increased by more than twice the increase in overall inflation in the period 1986-2004. Faculty members are required to acknowledge understanding and consideration of the law before selecting a college textbook.

### **Selected Provisions in the Statute**

#### **Best Practices:**

**Section (1)(C)(3).** Each public institution of higher education in the State shall develop and implement a best-practices process for faculty in selecting college textbooks and supplemental material that:

- I. ensures early adoption of college textbooks and supplemental material;
- II. encourages the maximum usage of used college textbooks and of previous editions of college textbooks, when possible;
- III. for undergraduate college textbooks, ensures that the majority of the assigned material will be used in the course unless it would be in the student's financial interest to purchase separate materials; and
- IV. ensures that faculty are aware of various outlets for the supply of college textbooks and supplemental material.

#### **Requirements for Publishers:**

**Section (1)(E)(1).** A publisher that sells college textbooks or supplemental material and provides information regarding a college textbook or supplemental material to a faculty member, other adopting entity in charge of selecting course materials, or the administration of an institution of higher education shall disclose with this information, in writing, by paper or electronic means:

- I. the price of the college textbook or supplemental material;
- II. the title, author, publisher, edition, current and three previous copyright dates, publication date when available, and ISBN of the college textbook and supplemental material, both as bundled and unbundled items;
- III. substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition of the college textbook or supplemental material;
- IV. other available formats for the college textbook or supplemental material such as paperback or unbound; and
- V. a list of textbooks that are classified as integrated textbooks.

**Faculty Acknowledgment:**

**Section (1)(D)(2).** Before selecting a college textbook or supplemental material and before transmitting the selection to a campus bookstore, providing the selection to any other bookstore, or posting the selection on the website of the public institution of higher education, a faculty member shall acknowledge:

I(1). If selecting a different college textbook from a different publisher, the cost of the new selection versus the cost of the previous selection; or

I(2). If selecting a current edition of a college textbook,

A. the differences in substantial content between the current edition of the textbook and the previous edition of the textbook as reported by the publisher under **subsection (E)** of this section;

B. that the use of the current edition is appropriate due to a material change in substantial content between the current edition and the previous edition;

C. the difference in price between the current edition of the textbook and the previous edition of the textbook; and

D. that the previous edition of the textbook may be available to students at a lower price via the used book market.

II. That an integrated textbook is not subject to **subsection (F)(3)** of this section; and

III. That supplemental material included in a bundle is intended for use in the course.

**Section (1)(E)(2).** Faculty members acknowledge having been informed about the disclosures required of publishers under **section (1)(E)(1)** and the impact that the high cost of college textbooks and supplemental material has on students.

**Academic Freedom:**

**Section (1)(I).** This section (referring to all of Section 1 of the statute) may not be construed to supersede the institutional autonomy or academic freedom of faculty members involved in the selection of college textbooks and supplemental material.

**Definitions in the Statute:****Section (1)(A).**

Supplemental material means educational material developed to accompany a college textbook that is not being used as a component of an integrated textbook. Supplemental material includes printed materials and electronic materials such as computer disks and web access codes.

Bundle means one or more college textbooks or other supplemental material that are packaged together to be sold as course materials for one price.

Integrated textbook means a college textbook that is combined with 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 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.