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LRB095 18084 NHT 49312 a

1 AMENDMENT TO HOUSE BILL 4903

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4903, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Transparency in College Textbook Publishing Practices Act.

7 Section 5. Definitions. In this Act:

8 "Alternative formats" means other versions of a specific  
9 textbook, including paperbacks.

10 "Bundled textbook" means one or more college textbooks or  
11 other supplemental materials that may be packaged together to  
12 be sold as course materials for one price.

13 "Custom textbook" means a college textbook that is compiled  
14 at the direction of a faculty member or, if applicable, the  
15 other adopting entity in charge of selecting textbooks for  
16 courses taught at an institution. "Custom textbook" may

1 include, alone or in combination, items such as selections from  
2 original instructor materials, previously copyrighted  
3 publisher materials, copyrighted, third-party works, and  
4 elements unique to a specific institution, such as  
5 commemorative editions.

6 "Institution" means a public institution of higher  
7 education that is included in the definition of "public  
8 institutions of higher education" under the Board of Higher  
9 Education Act.

10 "Substantial content" means parts of a college textbook,  
11 such as new chapters, additional eras of time, new themes, or  
12 new subject matter.

13 "Supplemental material" means educational material  
14 developed to accompany a college textbook that (i) may include  
15 printed materials, computer discs, Internet website access,  
16 and electronically distributed materials and (ii) is not  
17 developed by a third party and, by third party contractual  
18 agreement, may not be offered by a publisher separately.

19 "Textbook" means a textbook or a set of textbooks used for  
20 or in conjunction with a course in postsecondary education at  
21 an institution, not including custom textbooks.

22 "Unbundled textbook" means a textbook that is offered for  
23 sale without any supplemental materials.

24 Section 10. Disclosure of information. When contacting or  
25 being contacted by prospective clients, each publisher of

1 college textbooks shall disclose, at that time and in writing  
2 (which may include electronic communications), all of the  
3 following to the faculty member or, if applicable, the other  
4 adopting entity in charge of selecting textbooks for courses  
5 taught at an institution:

6 (1) The price at which the publisher would make the  
7 textbook or supplemental materials available to the  
8 bookstore on the campus of or otherwise associated with the  
9 institution.

10 (2) The copyright dates of past editions of the  
11 textbook or supplemental materials for the previous 10  
12 years, if any.

13 (3) The substantial content changes made between the  
14 current edition of the textbook or supplemental materials  
15 and the previous edition, if any.

16 (4) The existence and price of alternative formats of  
17 the textbook or supplemental materials.

18 Section 15. Bundled textbooks. Publishers of college  
19 textbooks are required to offer all bundled textbooks for sale  
20 as individual unbundled textbooks and supplemental materials.  
21 Nothing in this Section shall be construed to require the  
22 bookstore on the campus of or otherwise associated with an  
23 institution to double stock or purchase textbooks and  
24 supplemental materials as both bundled and unbundled items.

1 Section 20. Custom textbooks.

2 (a) When a faculty member or, if applicable, other adopting  
3 entity in charge of selecting textbooks for courses taught at  
4 an institution directs a publisher to compile a custom  
5 textbook, the publisher shall provide, in writing (which may  
6 include electronic communications) before the faculty member  
7 or entity adopts the custom textbook, the price at which the  
8 publisher would make the custom textbook available to the  
9 bookstore on the campus of or otherwise associated with the  
10 institution.

11 (b) To the maximum extent practical, publishers shall  
12 comply with the requirements under Sections 10 and 15 of this  
13 Act with respect to the development and provision of custom  
14 textbooks.

15 Section 25. Institutional autonomy and academic freedom.  
16 Nothing in this Act shall be construed to supersede  
17 institutional autonomy or the academic freedom of persons  
18 involved in the selection of textbooks and supplemental  
19 materials.

20 Section 90. Enforcement. The Attorney General or a State's  
21 Attorney may bring a civil action to enforce this Act."