



Elementary Secondary Education Committee

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LRB095 07710 NHT 51527 a

1 AMENDMENT TO SENATE BILL 326

2 AMENDMENT NO. _____. Amend Senate Bill 326 by replacing
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. In this Act:

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

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

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

1 original instructor materials, previously copyrighted
2 publisher materials, copyrighted, third-party works, and
3 elements unique to a specific institution, such as
4 commemorative editions.

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

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

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

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

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

23 Section 10. Disclosure of information. When contacting or
24 being contacted by prospective clients, each publisher of
25 college textbooks shall disclose, at that time and in writing

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

5 (1) The copyright dates of past editions of the
6 textbook or supplemental materials for the previous 10
7 years, if any.

8 (2) The substantial content changes made between the
9 current edition of the textbook or supplemental materials
10 and the previous edition, if any.

11 (3) The existence and price of alternative formats of
12 the textbook or supplemental materials.

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

20 Section 20. Custom textbooks.

21 (a) When a faculty member or, if applicable, other adopting
22 entity in charge of selecting textbooks for courses taught at
23 an institution directs a publisher to compile a custom
24 textbook, the publisher shall provide, in writing (which may

1 include electronic communications) before the faculty member
2 or entity adopts the custom textbook, the price at which the
3 publisher would make the custom textbook available to the
4 bookstore on the campus of or otherwise associated with the
5 institution.

6 (b) To the maximum extent practical, publishers shall
7 comply with the requirements under Sections 10 and 15 of this
8 Act with respect to the development and provision of custom
9 textbooks.

10 Section 25. Institutional autonomy and academic freedom.
11 Nothing in this Act shall be construed to supersede
12 institutional autonomy or the academic freedom of persons
13 involved in the selection of textbooks and supplemental
14 materials.

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