

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 original instructor materials, previously copyrighted
18 publisher materials, copyrighted, third-party works, and
19 elements unique to a specific institution, such as
20 commemorative editions.

21 "Integrated textbook" means a college textbook that is (i)
22 combined with materials developed by a third party and that, by
23 third-party contractual agreement, may not be offered by

1 publishers separately from the college textbook with which the
2 materials are combined; or (ii) combined with other materials
3 that are so interrelated with the content of the college
4 textbook that the separation of the college textbook from the
5 other materials would render the college textbook unusable for
6 its intended purpose.

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

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

14 "Supplemental material" means educational material
15 developed to accompany a college textbook that (i) may include
16 printed materials, computer discs, Internet website access,
17 and electronically distributed materials and (ii) is not being
18 used as a component of an integrated textbook.

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

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

25 Section 10. Disclosure of information. When contacting or

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

7 (1) The copyright dates of the 3 previous editions of
8 the college textbook, if any.

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

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

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

21 Section 20. Custom textbooks. To the maximum extent
22 practical, publishers shall comply with the requirements under
23 Sections 10 and 15 of this Act with respect to the development
24 and provision of custom textbooks.

1 Section 25. Institutional autonomy and academic freedom.
2 Nothing in this Act shall be construed to supersede
3 institutional autonomy or the academic freedom of persons
4 involved in the selection of textbooks and supplemental
5 materials.

6 Section 99. Effective date. This Act takes effect July 1,
7 2010.