



The Textbook Competition and Affordability Act of 2009 HB 85 / SB 183

April 11, 2009

Effective July, 2009 each public institution of higher education in Maryland shall develop and implement the following:

- I. An informational campaign to assist faculty and make them aware of textbook-related issues including:**
 - a. Price of the books and supplemental materials
 - b. Existence of variances in price of bundled and unbundled materials
 - c. Substantial content revisions between current editions of textbooks
 - d. Identification of integrated textbooks
 - e. Fiscal impact on the student

- II. A procedure by which bookstores and students are made aware of the information required to be disclosed.**

- III. A “best practices” process for faculty in selecting books and materials that:**
 - a. Ensures early adoption
 - b. Encourages use of used books and previous editions
 - c. Ensures that the majority of assigned material will be used in the course
 - d. Ensures that faculty is aware of various outlets for the supply of books and materials

- IV. A process by which faculty members acknowledge the following:**
 - a. The change in cost if selecting a different book from a different publisher
 - b. If selecting a different edition, the content difference as reported by the publisher and that the new edition is needed due to substantial content difference
 - c. The price difference between the editions and that the previous edition may be available to the student at a lower price via the used book market
 - d. That supplemental material included in a bundle is intended for use in the course
 - e. The certain bundles and bundled items may not be available separately from a publisher

- V. A publisher and campus bookstore shall:**
 - a. Publishers are to provide in writing: price information; title; author; publisher; edition; current and three previous copyright dates; publication date when available; and if a bundle, the ISBN of bundle, as well as, the ISBN of each component in the bundle. Publishers must make materials available as separate and unbundled items, unless custom or integrated.
 - b. Provide and sell books and materials in the same manner as ordered by faculty members
 - c. If a selection is unavailable, work with the faculty to find alternative
 - d. With permission of the faculty, a campus bookstore may sell books in a different manner than selected and ordered by faculty members for the purpose of providing used books, prior editions or other lower-cost options

- VI. At the request of a bookstore, all institutions must forward the following information within one week of a faculty member's selection and transmission to a campus bookstore or when the selection is finalized (whichever is earlier):**
- a. Whether supplemental material is required
 - b. Whether previous editions will suffice
 - c. The title
 - d. The author
 - e. Publisher
 - f. Edition
 - g. Copyright and publication date when available
 - h. ISBN
 - i. Anticipated enrollment for the course
- VII. The information above must also be made available to the public by posting the information on the college website within 3 weeks following the faculty's selection of a textbook/materials, or when the selection is finalized (whichever is earlier).**
- VIII. Higher education institutions shall inform bookstores, students or the public who access the website if the selection is not finalized.**
- IX. All bookstores that offer textbooks for sale prior to the selection being finalized shall provide:**
- a. A caveat regarding potential consequences
 - b. The return policy of the bookstore
- X. Time extensions may be granted to faculty:**
- a. Upon approval by the department chair and the Dean or Division Head of the institution
 - b. Extensions are to be written and posted on the website.
- XI. Public institutions are prohibited from selling textbooks for aesthetic changes or commemorative editions.**
- XII. By December 1, 2011:**
- a. Each institution of higher education is to report to the Maryland Higher Education Commission regarding efforts to lower the cost of textbooks and the "best-practices" process developed under this act.
 - b. The segments of higher education will work in consultation with MHEC to conduct a feasibility study regarding:
 - Textbook rental programs
 - Establishment of statewide digital marketplace for textbooks
 - Accessibility of the digital marketplace and all electronic textbooks to blind and print-disabled students and faculty members
- XIII. By December 31, 2011:**
- a. MHEC shall compile the reports and submit to the Governor and General Assembly:
 - Results of the feasibility study outlined above
 - Recommendations regarding textbook rental programs
 - Establishment of a digital market place
 - Statewide policies to ameliorate the high cost of textbooks