

HOUSE BILL 85

F2

(91r0334)

ENROLLED BILL

—Appropriations/ Education, Health, and Environmental Affairs—

Introduced by **Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena-Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **College Textbook Competition and Affordability Act of 2009**

3 FOR the purpose of requiring certain institutions of higher education to develop and
4 implement informational campaigns, ~~certain textbook adoption processes,~~
5 certain procedures relating to certain disclosures and certain ~~affirmations~~
6 acknowledgments, and certain best practices processes; requiring certain
7 institutions to develop a certain process for the ~~affirmation and~~
8 acknowledgment by certain faculty of certain information; requiring certain
9 publishers to disclose certain information in certain formats relating to certain
10 prices, certain textbook-related information, certain content revisions, and
11 certain other formats, ~~and certain variances in price~~; requiring, subject to a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 certain exception, certain publishers and certain bookstores to provide and sell
 2 certain textbooks and certain supplemental material in a certain manner and to
 3 work with certain faculty members to find certain alternatives under certain
 4 circumstances; requiring certain textbooks and certain supplemental material
 5 to be available in certain packages; requiring certain institutions to provide
 6 certain information to certain bookstores under certain circumstances, subject to
 7 certain notifications and certain conditions; ~~requiring certain institutions to~~
 8 ~~provide certain information to certain bookstores under certain circumstances,~~
 9 ~~subject to certain notifications~~; requiring certain institutions to make certain
 10 information available by posting it on certain websites on or before a certain
 11 time subject to a certain extension under certain circumstances; prohibiting
 12 certain institutions from encouraging or promoting the creation or sale of
 13 certain types of textbooks; ~~requiring certain institutions to allow certain~~
 14 ~~bookstores to advertise and have certain access to certain students under~~
 15 ~~certain circumstances~~; providing for a certain exception to the provisions of this
 16 Act; providing for the construction of this Act; ~~requiring certain institutions to~~
 17 ~~make certain reports to the Maryland Higher Education Commission regarding~~
 18 ~~certain analyses of certain textbook prices and certain other information on or~~
 19 ~~before a certain date~~; ~~requiring the Commission to compile certain reports and~~
 20 ~~forward the compilation to the Governor and the General Assembly on or before~~
 21 ~~a certain date~~; requiring certain institutions to report to the Maryland Higher
 22 Education Commission regarding certain efforts to lower the cost of certain
 23 textbooks and certain policies developed in accordance with this Act; requiring
 24 the Commission, in consultation with certain stakeholders, to conduct certain
 25 feasibility studies on or before a certain date and report to the Governor and the
 26 General Assembly on or before a certain date; requiring the University System
 27 of Maryland to conduct a certain study regarding certain business models and
 28 report the results of the study to the Board of Regents and the General
 29 Assembly; defining certain terms; and generally relating to the sale of college
 30 textbooks.

31 BY adding to
 32 Article – Education
 33 Section 15–112
 34 Annotated Code of Maryland
 35 (2008 Replacement Volume)

36 Preamble

37 WHEREAS, In 2005, the federal Government Accountability Office (GAO)
 38 reported that during the period of December 1986 through December 2004, college
 39 textbook prices increased 186% and inflation increased only 72%; and

40 WHEREAS, The textbook market is supply-driven rather than demand-driven
 41 and consequently offers consumers (students) no role in determining price, format, or
 42 quality of the product; and

1 WHEREAS, The State of Maryland has passed legislative initiatives to control
2 the cost of tuition but not to control the cost of textbooks; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Education**

6 **15-112.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

9 (2) (I) "BOOKSTORE" MEANS ANY ENTITY THAT OFFERS BOOKS
10 OR OTHER COURSE MATERIALS FOR SALE AND IS LICENSED BY THE
11 COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX - GENERAL
12 ARTICLE.

13 (II) "BOOKSTORE" INCLUDES CAMPUS BOOKSTORES AND
14 ONLINE VENDORS.

15 (3) (I) "BUNDLE" MEANS ONE OR MORE COLLEGE TEXTBOOKS
16 OR OTHER SUPPLEMENTAL MATERIAL THAT ARE PACKAGED TOGETHER TO BE
17 SOLD AS COURSE MATERIALS FOR ONE PRICE.

18 (II) "BUNDLE" DOES NOT INCLUDE SINGLE, CUSTOM, OR
19 INTEGRATED TEXTBOOKS.

20 (4) "CAMPUS BOOKSTORE" MEANS A BOOKSTORE UNDER THE
21 JURISDICTION OF AN INSTITUTION OF HIGHER EDUCATION.

22 (5) (I) "CUSTOM TEXTBOOK" MEANS A COLLEGE TEXTBOOK
23 THAT IS COMPILED BY A PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER
24 OR OTHER PERSON OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE
25 MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION.

26 (II) "CUSTOM TEXTBOOK" INCLUDES ORIGINAL
27 INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, OR
28 COPYRIGHTED THIRD-PARTY MATERIAL, OR ELEMENTS UNIQUE TO A SPECIFIC
29 INSTITUTION, SUCH AS COMMEMORATIVE EDITIONS.

30 (III) "CUSTOM TEXTBOOK" DOES NOT INCLUDE PURELY
31 AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A
32 PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.

1 **(6) “INTEGRATED TEXTBOOK” MEANS A COLLEGE TEXTBOOK**
2 **THAT IS COMBINED WITH:**

3 **(I) MATERIALS DEVELOPED BY A THIRD PARTY AND THAT,**
4 **BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY**
5 **PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE**
6 **MATERIALS ARE COMBINED; OR**

7 **(II) OTHER MATERIALS THAT ARE SO INTERRELATED WITH**
8 **THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE**
9 **COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE**
10 **COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.**

11 **(7) “ISBN” MEANS THE UNIQUE INTERNATIONAL STANDARD**
12 **BOOK NUMBER ASSIGNED TO A COLLEGE ~~TEXTBOOK~~ COURSE MATERIAL THAT**
13 **IS USED BY PUBLISHERS TO IDENTIFY EACH TEXTBOOK EDITION AND PRINTING**
14 **~~OF A COLLEGE TEXTBOOK~~ OTHER COURSE MATERIAL, INCLUDING BUNDLES.**

15 **(8) “PRICE” MEANS THE PRICE AT WHICH THE PUBLISHER**
16 **WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**
17 **AVAILABLE TO A BOOKSTORE AND, IF AVAILABLE, THE PRICE AT WHICH THE**
18 **PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL**
19 **MATERIAL AVAILABLE TO THE PUBLIC.**

20 ~~(8)~~ **(9) “SUBSTANTIAL CONTENT” MEANS A PART OF A**
21 **COLLEGE TEXTBOOK, SUCH AS NEW CHAPTERS, NEW MATERIAL COVERING**
22 **ADDITIONAL ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.**

23 ~~(9)~~ **(10) (I) “SUPPLEMENTAL MATERIAL” MEANS**
24 **EDUCATIONAL MATERIAL DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK**
25 **THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK.**

26 **(II) “SUPPLEMENTAL MATERIAL” INCLUDES PRINTED**
27 **MATERIALS AND ELECTRONIC MATERIALS SUCH AS COMPUTER DISKS AND WEB**
28 **ACCESS CODES.**

29 **(11) “TEXTBOOK” INCLUDES CUSTOM TEXTBOOKS TO THE**
30 **MAXIMUM EXTENT PRACTICABLE.**

31 **(B) THIS SECTION DOES NOT APPLY TO THE OVERSEAS PROGRAMS OF**
32 **THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE.**

33 **(C) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE**
34 **SHALL DEVELOP AND IMPLEMENT:**

1 (1) AN INFORMATIONAL CAMPAIGN TO ASSIST FACULTY AND
2 MAKE THEM AWARE OF TEXTBOOK-RELATED ISSUES, INCLUDING:

3 (I) ~~WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF~~
4 ~~ANY, THE PRICE~~ OF COLLEGE TEXTBOOKS AND OF SUPPLEMENTAL MATERIAL;

5 (II) ~~VARIANCES IN WHOLESALE PRICE AND SUGGESTED~~
6 ~~RETAIL PRICES, IF ANY, OF BUNDLED AND UNBUNDLED COURSE MATERIALS;~~

7 (II) THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED
8 AND UNBUNDLED COURSE MATERIALS;

9 (III) ~~(III)~~ SUBSTANTIAL CONTENT REVISIONS MADE
10 BETWEEN THE CURRENT EDITION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL
11 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR
12 SUPPLEMENTAL MATERIAL AS REPORTED TO THE INSTITUTION UNDER
13 SUBSECTION (E) OF THIS SECTION; ~~AND~~

14 (IV) ~~(IV)~~ WHICH TEXTBOOKS ARE INTEGRATED
15 TEXTBOOKS AND ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS
16 SECTION, AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS
17 SECTION; AND

18 (V) ~~(V)~~ THE FISCAL IMPACT TO STUDENTS OF THE HIGH
19 COST OF COLLEGE TEXTBOOKS;

20 (2) ~~A COLLEGE TEXTBOOK ADOPTION PROCESS THAT INCLUDES~~
21 ~~THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES~~
22 ~~REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF NEW~~
23 ~~CURRENT EDITIONS, USED CURRENT EDITIONS, NEW PREVIOUS EDITIONS, AND~~
24 ~~USED PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL~~
25 ~~MATERIAL;~~

26 (3) (2) A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS
27 ARE MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER
28 SUBSECTION (G) OF THIS SECTION; AND

29 (4) (3) A BEST-PRACTICES PROCESS FOR FACULTY IN
30 SELECTING COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL THAT:

31 (I) ENSURES EARLY ADOPTION OF COLLEGE TEXTBOOKS
32 AND SUPPLEMENTAL MATERIAL;

1 (II) ENCOURAGES THE MAXIMUM USAGE OF USED COLLEGE
2 TEXTBOOKS AND OF PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS, WHEN
3 POSSIBLE;

4 (III) FOR UNDERGRADUATE COLLEGE TEXTBOOKS, ENSURES
5 THAT THE MAJORITY OF THE ASSIGNED MATERIAL WILL BE USED IN THE
6 COURSE UNLESS IT WOULD BE IN THE STUDENT'S FINANCIAL INTEREST TO
7 PURCHASE SEPARATE MATERIALS; AND

8 (IV) ENSURES THAT FACULTY ARE AWARE OF VARIOUS
9 OUTLETS FOR THE SUPPLY OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL
10 MATERIAL.

11 (D) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
12 DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ~~AFFIRM AND~~
13 ACKNOWLEDGE THE INFORMATION UNDER PARAGRAPH (2) OF THIS
14 SUBSECTION.

15 (2) BEFORE ~~IDENTIFYING~~ SELECTING A COLLEGE TEXTBOOK OR
16 SUPPLEMENTAL MATERIAL AND BEFORE TRANSMITTING THE SELECTION TO A
17 CAMPUS BOOKSTORE, PROVIDING THE SELECTION TO ANY OTHER BOOKSTORE,
18 OR POSTING THE SELECTION ON THE WEBSITE OF THE PUBLIC INSTITUTION OF
19 HIGHER EDUCATION, A FACULTY MEMBER SHALL ACKNOWLEDGE:

20 (I) 1. IF SELECTING A DIFFERENT COLLEGE TEXTBOOK
21 FROM A DIFFERENT PUBLISHER, ~~AFFIRM AND ACKNOWLEDGE~~ THE COST OF THE
22 NEW SELECTION VERSUS THE COST OF THE PREVIOUS SELECTION; OR

23 ~~(H)~~ 2. IF SELECTING A CURRENT EDITION OF A COLLEGE
24 TEXTBOOK, ~~AFFIRM AND ACKNOWLEDGE~~:

25 ~~1.~~ A. THE DIFFERENCES IN SUBSTANTIAL CONTENT
26 BETWEEN THE CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS
27 EDITION OF THE TEXTBOOK AS REPORTED BY THE PUBLISHER UNDER
28 SUBSECTION (E) OF THIS SECTION;

29 ~~2.~~ B. THAT THE USE OF THE CURRENT EDITION IS
30 ~~JUSTIFIED~~ APPROPRIATE DUE TO A MATERIAL CHANGE IN SUBSTANTIAL
31 CONTENT BETWEEN THE CURRENT EDITION AND THE PREVIOUS EDITION;

32 ~~3.~~ C. THE DIFFERENCE IN PRICE BETWEEN THE
33 CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS EDITION OF THE
34 TEXTBOOK; AND ~~AND~~

1 **4. D.** THAT THE PREVIOUS EDITION OF THE TEXTBOOK
2 MAY BE AVAILABLE TO STUDENTS AT A LOWER PRICE VIA THE USED BOOK
3 MARKET;~~AND~~

4 **5. (II)** **THAT AN INTEGRATED TEXTBOOK IS NOT**
5 **SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION; AND**

6 **(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A**
7 **BUNDLE IS INTENDED FOR USE IN THE COURSE.**

8 (E) (1) A PUBLISHER ~~WHO~~ **THAT** SELLS COLLEGE TEXTBOOKS OR
9 SUPPLEMENTAL MATERIAL AND PROVIDES INFORMATION REGARDING A
10 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL TO A FACULTY MEMBER,
11 OTHER ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS, OR
12 THE ADMINISTRATION OF AN INSTITUTION OF HIGHER EDUCATION SHALL
13 DISCLOSE WITH THIS INFORMATION, IN WRITING, BY PAPER OR ELECTRONIC
14 MEANS:

15 (I) ~~THE PRICE AT WHICH THE PUBLISHER WOULD MAKE~~
16 ~~THE OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO~~
17 ~~A BOOKSTORE AND THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE~~
18 ~~COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE DIRECTLY TO~~
19 ~~THE PUBLIC;~~

20 (II) THE TITLE, AUTHOR, PUBLISHER, EDITION, CURRENT
21 AND THREE PREVIOUS COPYRIGHT DATES, PUBLICATION DATE WHEN
22 AVAILABLE, AND ISBN OF THE COLLEGE TEXTBOOK AND SUPPLEMENTAL
23 MATERIAL, BOTH AS BUNDLED AND UNBUNDLED ITEMS;

24 (III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN
25 THE CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL
26 MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR
27 SUPPLEMENTAL MATERIAL ~~EXPRESSED AS AN ITEMIZED LIST;~~

28 (IV) OTHER AVAILABLE FORMATS FOR THE COLLEGE
29 TEXTBOOK OR SUPPLEMENTAL MATERIAL SUCH AS PAPERBACK OR UNBOUND;
30 AND

31 (V) **A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS**
32 **INTEGRATED TEXTBOOKS.**

33 (V) ~~VARIANCES IN PRICE, IF ANY, BETWEEN BUNDLED AND~~
34 ~~UNBUNDLED ITEMS.~~

1 (2) EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE
2 SHALL DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ACKNOWLEDGE
3 HAVING BEEN INFORMED OF THE DISCLOSURES REQUIRED UNDER PARAGRAPH
4 (1) OF THIS SUBSECTION AND THE IMPACT THAT THE HIGH COST OF COLLEGE
5 TEXTBOOKS AND SUPPLEMENTAL MATERIAL HAS ON STUDENTS.

6 ~~(3) THE PROVISIONS OF THIS SUBSECTION SHALL BE MET, TO~~
7 ~~THE EXTENT PRACTICABLE, ON OR BEFORE OCTOBER 1, 2009 BUT NO LATER~~
8 ~~THAN JULY 1, 2010.~~

9 (F) (1) A EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
10 SUBSECTION, A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE AND
11 SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN THE SAME
12 MANNER AS SELECTED AND ORDERED BY FACULTY MEMBERS.

13 (2) (I) IF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL
14 IS UNAVAILABLE AS ORDERED, THE PUBLISHER AND THE CAMPUS BOOKSTORE
15 SHALL WORK WITH THE FACULTY MEMBER TO FIND ALTERNATIVES.

16 (II) A PUBLISHER COLLABORATING WITH A CAMPUS
17 BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS
18 PARAGRAPH SHALL PROVIDE ~~WHOLESALE PRICES AND SUGGESTED RETAIL~~
19 ~~PRICES, IF ANY,~~ PRICE INFORMATION FOR ALTERNATIVE COLLEGE TEXTBOOKS
20 AND SUPPLEMENTAL MATERIAL.

21 (3) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND ANY
22 SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE TEXTBOOK IN A
23 BUNDLE SHALL ALSO MAKE AVAILABLE THE COLLEGE TEXTBOOK AND THE
24 SUPPLEMENTAL MATERIAL AS SEPARATE AND UNBUNDLED ITEMS, EACH
25 SEPARATELY PRICED.

26 (4) WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS
27 BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN
28 A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY THE FACULTY
29 MEMBER FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR
30 EDITIONS, OR OTHER LOWER-COST OPTIONS TO STUDENTS.

31 ~~(C) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON THE~~
32 ~~REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL~~
33 ~~PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS~~
34 ~~SUBSECTION TO A BOOKSTORE AS SOON AS A FACULTY MEMBER IDENTIFIES A~~
35 ~~COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMITS THE~~
36 ~~SELECTION TO A CAMPUS BOOKSTORE.~~

1 **(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
 2 **ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION**
 3 **SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS**
 4 **SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

5 **1. WITHIN 1 WEEK OF A FACULTY MEMBER'S**
 6 **SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND**
 7 **TRANSMISSION TO A CAMPUS BOOKSTORE; OR**

8 **2. WHEN THE SELECTION BY A FACULTY MEMBER OF**
 9 **A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.**

10 **(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER**
 11 **SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION**
 12 **AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE**
 13 **INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH**
 14 **PARAGRAPH (2) OF THIS SUBSECTION.**

15 **(2) THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF**
 16 **THIS SUBSECTION SHALL INCLUDE THE:**

17 **(I) TITLE;**

18 **(II) AUTHOR;**

19 **(III) PUBLISHER;**

20 **(IV) EDITION;**

21 **(V) COPYRIGHT DATE AND PUBLICATION DATE WHEN**
 22 **AVAILABLE;**

23 **(VI) ISBN; AND**

24 **(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.**

25 **(3) (G) (1) (2) (I) AN INSTITUTION OF HIGHER**
 26 **EDUCATION SHALL MAKE THE INFORMATION LISTED UNDER PARAGRAPH (2)(3)**
 27 **OF THIS SUBSECTION AVAILABLE TO BOOKSTORES, STUDENTS, AND THE REST**
 28 **OF THE PUBLIC BY POSTING THE INFORMATION ON ITS WEBSITE BY THE**
 29 **EARLIER OF:**

30 **1. SUBJECT TO PARAGRAPH (4) PARAGRAPHS (3) (4)**
 31 **AND (4) (5) OF THIS SUBSECTION, 1 WEEK 30 DAYS 3 WEEKS FOLLOWING THE**

~~1 PROVISION OF INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION~~
~~2 SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR~~
~~3 SUPPLEMENTAL MATERIAL; OR~~

~~4 2. WHEN A CAMPUS BOOKSTORE PLACES A FINAL~~
~~5 ORDER FOR A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL.~~

6 2. WHEN THE SELECTION BY A FACULTY MEMBER OF
 7 A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

8 (II) IN ADDITION TO THE INFORMATION POSTED UNDER
 9 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL POST ON ITS
 10 WEBSITE:

11 1. WHETHER SUPPLEMENTAL MATERIAL IS
 12 REQUIRED OR ONLY SUGGESTED BY FACULTY; AND

13 2. WHETHER A PREVIOUS EDITION OF AN ASSIGNED
 14 COLLEGE TEXTBOOK WILL SUFFICE.

15 ~~(2) (3)~~ THE INFORMATION MADE AVAILABLE UNDER
 16 PARAGRAPH (1) PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE
 17 THE:

18 (I) TITLE;

19 (II) AUTHOR;

20 (III) PUBLISHER;

21 (IV) EDITION;

22 (V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN
 23 AVAILABLE;

24 (VI) ISBN; AND

25 (VII) ANTICIPATED ENROLLMENT FOR THE COURSE.

26 ~~(4) (3) (4)~~ (I) AN INSTITUTION OF HIGHER EDUCATION SHALL
 27 INFORM A BOOKSTORE, ~~THAT MAKES A REQUEST UNDER PARAGRAPH (1) OF~~
 28 ~~THIS SUBSECTION AND~~ STUDENTS, OR MEMBERS OF THE PUBLIC WHO ACCESS
 29 THE WEBSITE OF THE INSTITUTION UNDER PARAGRAPH ~~(3) (1)~~ (2) OF THIS
 30 SUBSECTION IF ~~A~~ THE SELECTION OF THE PARTICULAR COLLEGE TEXTBOOK,

1 SUPPLEMENTAL MATERIAL, OR BUNDLE HAS NOT BEEN FINALIZED BY THE
2 FACULTY MEMBER.

3 (II) IN ADDITION TO THE DISCLOSURE MADE UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION, CAMPUS
5 BOOKSTORE, OR OTHER BOOKSTORE THAT OFFERS A COLLEGE TEXTBOOK OR
6 SUPPLEMENTAL MATERIAL FOR SALE PRIOR TO THE SELECTION BEING
7 FINALIZED SHALL PROVIDE A:

8 1. A CAVEAT REGARDING THE POTENTIAL
9 CONSEQUENCES OF PURCHASING A THE PARTICULAR COLLEGE TEXTBOOK,
10 SUPPLEMENTAL MATERIAL, OR BUNDLE PRIOR TO THE SELECTION BEING
11 FINALIZED; AND

12 2. THE RETURN POLICY OF THE CAMPUS
13 BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE.

14 ~~(4) (5) (I) NOTWITHSTANDING PARAGRAPH (1)~~
15 ~~PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, UPON REQUEST TO AN~~
16 ~~INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER~~
17 ~~OR A CAMPUS BOOKSTORE FROM THE REQUIREMENT TO POST THE SELECTION~~
18 ~~OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL PRIOR TO THE~~
19 ~~SELECTION BEING FINALIZED.~~

20 (II) THE EXTENSION GRANTED UNDER SUBPARAGRAPH (I)
21 OF THIS PARAGRAPH SHALL BE APPROVED BY THE FACULTY DEPARTMENT
22 CHAIR AND THE DEAN OR DIVISION HEAD OF THE INSTITUTION.

23 (III) THE EXTENSION SHALL INCLUDE A WRITTEN
24 STATEMENT OF EXPLANATION FOR THE EXTENSION.

25 (IV) AN INSTITUTION SHALL POST THE WRITTEN
26 STATEMENT ON ITS WEBSITE INSTEAD OF THE SELECTION, AS APPROPRIATE.

27 (H) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT
28 ENCOURAGE OR PROMOTE THE CREATION OR SALE OF COLLEGE TEXTBOOKS
29 THAT CONSIST OF PURELY AESTHETIC CHANGES TO A PRIOR EDITION OF A
30 COLLEGE TEXTBOOK SUCH AS A COMMEMORATIVE EDITION.

31 ~~(H) ON THE REQUEST OF A BOOKSTORE, IF A PUBLIC INSTITUTION OF~~
32 ~~HIGHER EDUCATION ALLOWS A CAMPUS BOOKSTORE TO:~~

33 ~~(1) ADVERTISE OR SUBMIT ADVERTISING FOR INCLUSION IN~~
34 ~~ORIENTATION PACKETS, IN OTHER PRINT MATERIAL, OR ON THE WEBSITE OF~~

1 ~~THE INSTITUTION, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES~~
 2 ~~TO ADVERTISE OR SUBMIT ADVERTISING FOR THE SAME INCLUSION; AND~~

3 ~~(2) ACCESS STUDENTS AS PART OF A PRESENTATION OR TOUR~~
 4 ~~FOR A STUDENT GROUP OR A GROUP OF POTENTIAL STUDENTS, THEN THE~~
 5 ~~INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO HAVE THE SAME ACCESS~~
 6 ~~TO STUDENTS.~~

7 (I) THIS SECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE
 8 INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY MEMBERS
 9 INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL
 10 MATERIAL.

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

12 ~~(a) On or before November 1, 2010, the University System of Maryland, St.~~
 13 ~~Mary's College of Maryland, Morgan State University, and the Maryland Association~~
 14 ~~of Community Colleges shall submit reports to the Maryland Higher Education~~
 15 ~~Commission, including a scientific and data-driven analysis of college textbook prices~~
 16 ~~at the constituent or member institutions, as appropriate, efforts to lower the cost of~~
 17 ~~textbooks for their students, and recommendations for statewide policy initiatives that~~
 18 ~~will further ameliorate the high cost of undergraduate and graduate education as~~
 19 ~~impacted by textbook prices; and~~

20 ~~(b) On or before December 1, 2010, the Maryland Higher Education~~
 21 ~~Commission shall compile the reports required under paragraph (a) of this section and~~
 22 ~~shall forward a copy of the compilation to the Governor and, in accordance with §~~
 23 ~~2-1246 of the State Government Article, the General Assembly.~~

24 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That, on That:~~

25 ~~(a) On or before December 1, 2010~~ 2011, each public institution of higher
 26 education in the State shall report to the ~~Governor and, in accordance with § 2-1246 of~~
 27 ~~the State Government Article, the General Assembly,~~ Maryland Higher Education
 28 Commission regarding efforts to lower the cost of textbooks for their students and the
 29 "best-practices" process developed under § ~~15-112(e)(4)~~ 15-112(c)(3) of the Education
 30 Article, as enacted by Section 1 of this Act.

31 ~~SECTION 4. AND BE IT FURTHER ENACTED, That:~~

32 ~~(a)~~ (b) On or before December 1, 2011, the ~~Maryland Higher Education~~
 33 Commission, in consultation with the University System of Maryland, St. Mary's
 34 College of Maryland, Morgan State University, the Maryland Association of
 35 Community Colleges, and the Maryland Independent College and University
 36 Association, shall conduct a feasibility study regarding:

1 (1) the establishment of one or more textbook rental programs in
 2 Maryland that would allow students to lease textbooks on a per book, per credit hour,
 3 or per course basis, including an analysis of start-up costs and funding options such as
 4 private sector donations and grants; ~~and~~

5 (2) the establishment of a statewide digital marketplace for college
 6 textbooks and supplemental material including:

7 (i) an analysis of the infrastructure, technology, and support
 8 services necessary to allow institutions, students, faculty, bookstores, publishers, and
 9 other stakeholders to interact efficiently; and

10 (ii) a consideration of digital rights management capabilities
 11 and transactional processes needed for both fee-based and no-cost content; and

12 (3) the accessibility of the digital marketplace and any and all
 13 electronic textbooks and supplemental material to blind and print-disabled students
 14 and faculty members.

15 ~~(b)~~ (c) On or before December 31, 2011, the ~~Maryland Higher Education~~
 16 Commission shall:

17 (1) compile the reports required under paragraph (a) of this section;
 18 and

19 (2) submit to the Governor and, in accordance with § 2-1246 of the
 20 State Government Article, the General Assembly, the compilation, the results of the
 21 feasibility studies conducted under paragraph ~~(a)~~ (b) of this section, and make
 22 recommendations regarding textbook rental programs, ~~and~~ the establishment of a
 23 digital marketplace including cost estimates to the Governor and, in accordance with §
 24 ~~2-1246 of the State Government Article, the General Assembly,~~ and statewide policy
 25 initiatives that will further ameliorate the high cost of undergraduate and graduate
 26 education as impacted by textbook prices based on information gathered under
 27 subsection (a) of this section.

28 SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That:

29 (a) The University System of Maryland, under the direction of the Board of
 30 Regents, shall conduct a study of changes that the University System of Maryland and
 31 its constituent institutions can make to their business models regarding textbook
 32 assignments and textbook purchasing in order to reduce the cost of textbooks to
 33 students while preserving and enhancing the quality of educational materials
 34 available to students. Principles underlying this review shall include:

35 (1) the protection of academic freedom;

1 (2) the promotion of competition among publishers, bookstores, and
2 other textbook vendors;

3 (3) the empowerment of faculty and students to access information
4 about options which will strengthen their market power; and

5 (4) the exploration of:

6 (i) alternative approaches used in other universities, states,
7 and countries;

8 (ii) new technologies; and

9 (iii) legal structures.

10 (b) The study conducted under subsection (a) of this section shall include, but
11 not be limited to, an exploration of:

12 (1) using the market power of faculty and students to drive down
13 prices;

14 (2) strategies to increase the use of used textbooks;

15 (3) the creation of textbook rental programs;

16 (4) increasing faculty awareness of textbook costs and options for
17 reducing textbook costs;

18 (5) minimizing the impact of publishers' "planned obsolescence"
19 marketing strategies; ~~and~~

20 (6) cost-effective substitution of content-licensing for textbook
21 purchasing; and

22 (7) ensuring that any and all electronic textbooks and supplemental
23 material shall be accessible to blind and print-disabled students and faculty members.

24 (c) On or before December 1, 2010, the University System of Maryland shall
25 submit to the Board of Regents and, in accordance with § 2-1246 of the State
26 Government Article, the General Assembly, the results of the study required under
27 subsection (a) of this section.

28 (d) Nothing contained in this section bars the University System of
29 Maryland from implementing changes consistent with its intent before December 1,
30 2010.

1 SECTION ~~6~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.