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Bill Analysis
Legislative Service Commission

S.B. 151

127th General Assembly
(As Introduced)

Sens. Roberts, Fedor, Morano

BILL SUMMARY

- Requires U.S. publishers desiring to offer textbooks to students of state institutions of higher education to provide, on a free web site, information about textbooks and supplemental learning materials sold by the publisher, including bundling practices, textbook modification, and the publisher's return policy.
- Prohibits state institutions of higher education from requiring, and their affiliated bookstores from selling, any textbook or supplemental learning material for which the publisher has not provided information on a web site.
- Prohibits bookstores affiliated with state institutions of higher education from (1) selling textbooks bundled with other materials unless the bookstore also sells each item in the bundle individually and (2) buying back used textbooks and materials at less than half the price at which the bookstore plans to resell them.
- Requires state institutions of higher education to have at least two copies of all required textbooks and other learning materials available in the appropriate campus libraries.
- Prohibits a professor, faculty member, instructor, or any other employee of a state institution of higher education from profiting from the sale of textbooks and other learning materials used in a class taught by that person, including royalties from authorship.
- Requires the Board of Regents to (1) sponsor events with state institutions of higher education to provide education for reducing the cost to students of textbooks and other learning materials, (2) develop and

maintain an electronic publisher inquiry form and serve as liaison between publishers and interested parties, and (3) develop one or more pilot textbook rental programs to commence in the 2008-2009 academic year.

- Declares it the policy of this state that each state institution of higher education find ways to decrease the cost of textbooks and other learning materials for students, and encourages publishers, bookstores, and state institutions of higher education to engage in practices that ensure and promote textbook affordability.

CONTENT AND OPERATION

The bill creates requirements for publishers, campus bookstores, state institutions of higher education, and the Board of Regents with respect to higher education textbooks and its costs and pricing.

Publishers

(R.C. 3346.02)

Beginning July 1, 2008, the bill requires that any U.S. publisher wishing to offer textbooks for use by students attending state institutions of higher education¹ provide all of the following information, free of charge, on a web site before it may be sold by bookstores affiliated with the institutions:

- (1) For each textbook, whether it is bundled with other, supplemental learning materials or sold individually;
- (2) If not bundled, the price of the textbook;
- (3) If bundled, the price of the bundle and the price of each individual item in the bundle;
- (4) All modifications to the textbook published within the last ten years (presumably, new editions) and any planned new modifications;
- (5) All modifications to supplemental learning materials, bundled with a textbook or sold separately, within the last ten years and any planned modifications;

¹ "State institution of higher education" means any state university, community college, state community college, university branch, or technical college.

(6) The availability of alternative formats of the textbook and supplemental learning materials; and

(7) The publisher's return policy.

Bookstores

(R.C. 3346.03)

The bill prohibits bookstores under contract or affiliated with state institutions of higher education from doing the following:

(1) Selling any textbook or supplemental learning material not listed on the publisher's free web site, as required by the bill.

(2) Selling bundled materials, unless the bookstore also sells each item in the bundle separately. "Bundling" is the practice of packaging textbooks with other, supplemental learning materials, such as another book, a workbook, or a CD-ROM, and selling them as one unit.

(3) Buying back used textbooks or other learning materials for less than half the price at which the bookstore plans to resell the textbook or other learning material.

State institutions of higher education

Assigning textbooks

(R.C. 3346.06)

The bill prohibits state institutions of higher education from requiring students to use any textbook or supplemental learning materials for which the publisher has not complied with the bill's requirement to post information online.

Library availability

(R.C. 3346.04)

The bill requires state institutions of higher education to provide at least two copies of all required textbooks and learning materials in each library a student assigned to a particular textbook or learning material would use. For instance, two copies of a required chemistry textbook would have to be available at both the main library and the science library if that institution had a science library.

No faculty profit

(R.C. 3346.05)

The bill prohibits any professor, faculty member, instructor, or other employee of a state institution of higher education from profiting in any way from the sale of textbooks and other learning materials used in a class taught by that person. This prohibition includes royalties a person could earn from authorship of a textbook or other learning material.

Board of Regents

(R.C. 3346.10; Section 2)

The bill requires the Board of Regents to partner with state institutions of higher education to sponsor events to educate students, faculty, instructors, bookstores, and other interested parties on strategies for reducing the cost to students of textbooks and other learning materials. In addition, the Board must develop and maintain an electronic publisher inquiry form. The form is for use by students, faculty, instructors, and other interested parties to request information from publishers. The Board is responsible for submitting the electronic inquiries to publishers.

The bill also requires the Board to develop one or more pilot textbook rental projects to commence in the 2008-2009 academic year. The rental program must be optional to students and financially self-sustaining. The Board must submit a plan² for the pilot project to the General Assembly not later than January 2, 2008. A campus or program that participates in a textbook rental pilot program can establish policies and procedures for the program. A campus or program must report annually to the General Assembly and to the Board of Regents information on the procedures of, savings from, and participant feedback on the rental program.

² The bill requires that the plan be submitted to the General Assembly in accordance with R.C. 101.68 (not in bill). R.C. 101.68 requires that reports to the General Assembly be submitted to the Director of the Legislative Service Commission, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House. The Legislative Service Commission provides a monthly list and description of the reports, and any member of the General Assembly may request a copy of any report.

Intent statement

(Section 3)

The bill includes an intent statement that declares that the bill's purpose is "to ensure that every student in higher education is offered better and more timely access to affordable textbooks." It further asserts, "It is the policy of this state that each state institution of higher education must find ways to decrease the cost of textbooks and other learning materials for students" and recognizes as "critical" that students have access to required textbooks before class starts. To satisfy those concerns, the bill holds that textbook publishers should produce textbooks as inexpensive as possible without sacrificing educational quality; avoid reissuing of editions until the new content is significant; disclose to faculty and the public product information, including all products sold by the publisher, the price of each product, and the estimated duration they plan to continue production of each product; and ensure that bundled items are also available for purchase individually.

The bill also encourages faculty to consider cost in choosing textbooks; bookstores to communicate with faculty to order and stock books in a timely manner, disclose textbook costs, and actively promote and publicize book buyback programs; and state institutions of higher education to strongly promote the used book market through exchange, buyback, and textbook rental programs.

HISTORY

ACTION	DATE
Introduced	04-24-07

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