

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 "Institution" means a public institution of higher  
22 education that is included in the definition of "public  
23 institutions of higher education" under the Board of Higher

1 Education Act.

2 "Substantial content" means parts of a college textbook,  
3 such as new chapters, additional eras of time, new themes, or  
4 new subject matter.

5 "Supplemental material" means educational material  
6 developed to accompany a college textbook that (i) may include  
7 printed materials, computer discs, Internet website access,  
8 and electronically distributed materials and (ii) is not  
9 developed by a third party and, by third party contractual  
10 agreement, may not be offered by a publisher separately.

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

14 "Unbundled textbook" means a textbook that is offered for  
15 sale without any supplemental materials.

16 Section 10. Disclosure of information. When contacting or  
17 being contacted by prospective clients, each publisher of  
18 college textbooks shall disclose, at that time and in writing  
19 (which may include electronic communications), all of the  
20 following to the faculty member or, if applicable, the other  
21 adopting entity in charge of selecting textbooks for courses  
22 taught at an institution:

23 (1) The price at which the publisher would make the  
24 textbook or supplemental materials available to the  
25 bookstore on the campus of or otherwise associated with the

1 institution.

2 (2) The copyright dates of past editions of the  
3 textbook or supplemental materials for the previous 10  
4 years, if any.

5 (3) The substantial content changes made between the  
6 current edition of the textbook or supplemental materials  
7 and the previous edition, if any.

8 (4) The existence and price of alternative formats of  
9 the textbook or supplemental materials.

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

17 Section 20. Custom textbooks.

18 (a) When a faculty member or, if applicable, other adopting  
19 entity in charge of selecting textbooks for courses taught at  
20 an institution directs a publisher to compile a custom  
21 textbook, the publisher shall provide, in writing (which may  
22 include electronic communications) before the faculty member  
23 or entity adopts the custom textbook, the price at which the  
24 publisher would make the custom textbook available to the

1 bookstore on the campus of or otherwise associated with the  
2 institution.

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

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

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