



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1485

Introduced 2/18/2009, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Transparency in College Textbook Publishing Practices Act. Provides that when contacting or being contacted by prospective clients, each publisher of college textbooks shall disclose, at that time and in writing, to the faculty member or, if applicable, the other adopting entity in charge of selecting textbooks for courses taught at a public institution of higher education (1) the copyright dates of the 3 previous editions of the textbook, if any; (2) a description of the substantial content changes made between the current edition of the textbook or supplemental materials and the previous edition, if any; and (3) the existence and price of alternative formats of the textbook or supplemental materials. Provides that publishers of college textbooks are required to offer all bundled textbooks for sale as individual unbundled textbooks and supplemental materials. Contains a provision concerning institutional autonomy and academic freedom. Effective July 1, 2010.

LRB096 06211 NHT 19077 b

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

15 "Custom textbook" means a college textbook that is compiled
16 at the direction of a faculty member or, if applicable, the
17 other adopting entity in charge of selecting textbooks for
18 courses taught at an institution. "Custom textbook" may
19 include, alone or in combination, items such as selections from
20 original instructor materials, previously copyrighted
21 publisher materials, copyrighted, third-party works, and
22 elements unique to a specific institution, such as
23 commemorative editions.

1 "Integrated textbook" means a college textbook that is (i)
2 combined with materials developed by a third party and that, by
3 third-party contractual agreement, may not be offered by
4 publishers separately from the college textbook with which the
5 materials are combined; or (ii) combined with other materials
6 that are so interrelated with the content of the college
7 textbook that the separation of the college textbook from the
8 other materials would render the college textbook unusable for
9 its intended purpose.

10 "Institution" means a public institution of higher
11 education that is included in the definition of "public
12 institutions of higher education" under the Board of Higher
13 Education Act.

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

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

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

24 Section 10. Disclosure of information. When contacting or
25 being contacted by prospective clients, each publisher of

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

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

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

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

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

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