



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3242

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#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Accountability in College Textbook Publishing Practices Act. Provides that if a publisher provides a faculty member or entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include specified information in its communication. Sets forth requirements for when a publisher provides a faculty member or entity in charge of selecting course materials at an institution with the price at which the publisher would make a college textbook or supplemental material available to the institution's campus bookstore. Provides that a publisher that sells a college textbook and any supplemental material as a bundle shall also make the college textbook and each item of supplemental material available as separate and unbundled items at separate prices. Provides that if a faculty member or entity in charge of selecting course materials at an institution directs a publisher to compile a custom textbook, the publisher shall provide the price at which the publisher would make the custom textbook available to the campus bookstore. Contains an enforcement provision. Requires institutions to disclose certain college textbook information in course schedules. Effective immediately.

LRB098 09802 NHT 39953 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Accountability in College Textbook Publishing Practices Act.

6 Section 5. Intent. It is the intent of the General Assembly  
7 that every student seeking a higher education in this State is  
8 offered affordable access to course materials and to do all of  
9 the following:

10 (1) To ensure that faculty members are informed of  
11 accurate and relevant pricing information for course  
12 materials and that students are protected as a consumer  
13 group.

14 (2) To encourage textbook publishers and distributors  
15 to work with faculty to promote understanding of the cost  
16 to students of purchasing faculty-selected textbooks,  
17 including the disclosure of prices and bundling practices.

18 (3) To strengthen and enforce existing federal  
19 regulations.

20 Section 10. Definitions. In this Act:

21 "Bundle" means one or more college textbooks or other  
22 supplemental learning materials that may be packaged together

1 to be sold as course material for one price.

2 "Campus bookstore" means the bookstore on the campus of or  
3 otherwise associated with an institution of higher education.

4 "College textbook" means a textbook or set of textbooks  
5 used for or in conjunction with a course at an institution of  
6 higher education.

7 "Custom textbook" means a college textbook that is compiled  
8 by a publisher at the direction of a faculty member or other  
9 person or adopting entity in charge of selecting course  
10 materials at an institution of higher education and may  
11 include, alone or in combination, items such as selections from  
12 original instructor materials, previously copyrighted  
13 publisher materials, copyrighted, third-party works, and  
14 elements unique to a specific institution, such as  
15 commemorative editions.

16 "Institution" means an institution of higher education in  
17 this State.

18 "Integrated textbook" means a college textbook that is  
19 combined with supplemental materials developed by a third party  
20 that, by third-party contractual agreement, may not be offered  
21 by publishers separately from the college textbook with which  
22 the supplemental materials are combined. "Integrated textbook"  
23 also means a textbook that is combined with supplemental  
24 materials that are so interrelated with the content of the  
25 textbook that the separation of the textbook from the  
26 supplemental materials would render the textbook unusable for

1 its intended purpose.

2 "Publisher" means a publisher of college textbooks or  
3 supplemental materials that markets college textbooks or  
4 supplemental materials to faculty members at institutions of  
5 higher education.

6 "Substantial content" means parts of a college textbook,  
7 such as new chapters, additional eras of time, new themes, or  
8 new subject matter.

9 "Supplemental material" means educational material  
10 developed to accompany a college textbook, which may include  
11 printed materials, computer disks, Internet website access,  
12 and electronically distributed materials.

13 "Writing" includes electronic communications.

14 Section 15. Publisher requirements.

15 (a) If a publisher provides a faculty member or entity in  
16 charge of selecting course materials at an institution with  
17 information regarding a college textbook or supplemental  
18 material, the publisher shall include all of the following  
19 information, in writing, in its communication:

20 (1) The price at which the publisher would make the  
21 college textbook or supplemental material available to the  
22 institution's campus bookstore.

23 (2) The copyright dates of the 3 previous editions of  
24 the college textbook in the preceding 10 years, if any.

25 (3) The substantial content revisions made between the

1 current edition of the college textbook or supplemental  
2 material and the previous edition, if any.

3 (4) Whether the college textbook or supplemental  
4 material is available in any other format, including  
5 paperback or unbound, and the price at which the publisher  
6 would make the college textbook or supplemental material in  
7 the other format available to the institution's campus  
8 bookstore.

9 (b) If a publisher provides a faculty member or entity in  
10 charge of selecting course materials at an institution with the  
11 price at which the publisher would make the college textbook or  
12 supplemental material available to the institution's campus  
13 bookstore, as required by this Section, the publisher shall do  
14 both of the following:

15 (1) Make the college textbook or supplemental material  
16 available to that institution's campus bookstore at or  
17 below that price for at least 6 months.

18 (2) Notify the faculty member or entity in charge of  
19 selecting course materials and the campus bookstore, in  
20 writing, of any increase in the price of the textbook or  
21 supplemental material, including the amount of the  
22 increase, at least 45 days in advance of the increase.

23 (c) A publisher that sells a college textbook and any  
24 supplemental material as a bundle shall also make the college  
25 textbook and each item of supplemental material available as  
26 separate and unbundled items at separate prices, except that

1 this subsection (c) does not apply to integrated textbooks.

2 (d) If a faculty member or entity in charge of selecting  
3 course materials at an institution directs a publisher to  
4 compile a custom textbook, the publisher shall provide, in  
5 writing, prior to accepting an order for the custom textbook,  
6 the price at which the publisher would make the custom textbook  
7 available to the campus bookstore.

8 (e) A publisher violating any of the provisions of this  
9 Section may be enjoined by any court of competent jurisdiction  
10 upon action for injunction, and the court shall, after proof of  
11 violation, issue an injunction or other appropriate order  
12 restraining the publisher's conduct.

13 Section 20. Provision of ISBN college textbook information  
14 in course schedules. Each institution shall do the following:

15 (1) disclose, on the institution's Internet course  
16 schedule, if any, and in a manner of the institution's  
17 choosing, the International Standard Book Number (ISBN)  
18 and retail price information of required and recommended  
19 college textbooks and supplemental materials for each  
20 course listed in the institution's course schedule used for  
21 preregistration and registration purposes, except that:

22 (A) if the ISBN is not available for the college  
23 textbook or supplemental material, then the  
24 institution shall include the author, title,  
25 publisher, and copyright date for the college textbook

1 or supplemental material; and

2 (B) if the institution determines that the  
3 disclosure of the information described in this  
4 Section is not practicable for a college textbook or  
5 supplemental material, then the institution shall so  
6 indicate by placing the designation "To Be Determined"  
7 in lieu of the information required under this Section;  
8 and

9 (2) if applicable, include on the institution's  
10 written course schedule a notice that textbook information  
11 is available on the institution's Internet course schedule  
12 and the Internet address for the schedule.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.