

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 147

Representative Miller

**Cosponsors: Representatives Murray, Foley, Huffman, Williams, B., Phillips,
Harwood, Luckie**

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A BILL

To enact section 3345.35 of the Revised Code to 1
require publishers to disclose the price of 2
college textbooks to faculty and others upon 3
request, to prohibit faculty and others from 4
receiving certain gifts in exchange for adopting 5
specific course material for course instruction, 6
and to impose other requirements and prohibitions 7
relating to college textbook pricing. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3345.35 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3345.35. (A)(1) A publisher, or agent or employee of a 11
publisher, shall respond in a timely manner to an adopter's 12
request for any of the following information: 13

(a) A list of the products offered for sale by that publisher 14
that are relevant to the needs and interests of adopters; 15

(b) The price at which a new textbook is available from the 16
publisher; 17

<u>(c) The copyright date of any previous edition of a textbook;</u>	18
<u>(d) A list of the substantive content differences or changes</u>	19
<u>made between the new edition of a textbook and the previous</u>	20
<u>edition, including new chapters, additional eras of time, new</u>	21
<u>themes, and new subject matter, if the new edition was published</u>	22
<u>on or after the first day of January, 2012.</u>	23
<u>(2) The information described in division (A)(1) of this</u>	24
<u>section shall be made available to the adopter in print or</u>	25
<u>electronic format.</u>	26
<u>(B)(1) On or after the first day of January, 2012, each</u>	27
<u>publisher shall print on the outer cover of, or within, every new</u>	28
<u>edition of a textbook a summary of the substantive content</u>	29
<u>differences between the new edition and the previous edition</u>	30
<u>together with the copyright date of the previous edition.</u>	31
<u>(2) A publisher shall note on the exterior of an instructor</u>	32
<u>copy or complimentary teacher edition that the book is an</u>	33
<u>instructor's copy and is not for resale.</u>	34
<u>(C)(1) No publisher or campus bookstore shall solicit any</u>	35
<u>faculty member of an institution of higher education for the</u>	36
<u>purpose of selling instructor copies or complimentary teacher's</u>	37
<u>editions of textbooks that have been provided by a publisher at no</u>	38
<u>charge to a faculty member or other employee of an institution of</u>	39
<u>higher education. Division (C)(1) of this section does not apply</u>	40
<u>to any complimentary copy or review course material that is sent</u>	41
<u>by a publisher unsolicited by a faculty or staff member.</u>	42
<u>(2) No adopter shall demand or receive anything of value,</u>	43
<u>including the donation of equipment or goods, or any payment,</u>	44
<u>loan, advance, or deposit of money, present or promised, for</u>	45
<u>adopting specific course materials required for coursework or</u>	46
<u>instruction, except that an adopter may receive any of the</u>	47
<u>following:</u>	48

<u>(a) Complimentary copies, review course materials, or</u>	49
<u>instructor copies, provided that the adopter does not sell the</u>	50
<u>instructor copies;</u>	51
<u>(b) Royalties or other compensation from sales of course</u>	52
<u>materials that include the adopter's writing or other work;</u>	53
<u>(c) Honoraria for academic peer review of course materials;</u>	54
<u>(d) Training in the use of course materials and course</u>	55
<u>technologies.</u>	56
<u>(D) No campus bookstore shall engage in any trade of any</u>	57
<u>course material marked or otherwise identified as an instructor</u>	58
<u>copy or complimentary teacher's editions of textbooks.</u>	59
<u>(E) Each campus bookstore at any public institution of higher</u>	60
<u>education shall post in its store or on its internet web site a</u>	61
<u>disclosure of its retail pricing policy on new and used textbooks.</u>	62
<u>(F) This section does not apply to any self-published</u>	63
<u>textbook by an instructor for use with that instructor's class, if</u>	64
<u>the instructor discloses the publishing and use of those materials</u>	65
<u>to his or her employer institution.</u>	66
<u>(G) This section shall not be construed as limiting the</u>	67
<u>authority of faculty over decisions relating to the selection of</u>	68
<u>textbooks.</u>	69
<u>(H) As used in this section:</u>	70
<u>(1) "Adopter" means any faculty member, academic department,</u>	71
<u>or other adopting entity at an institution of higher education</u>	72
<u>responsible for considering and choosing course materials to be</u>	73
<u>used in connection with the accredited courses taught at that</u>	74
<u>institution.</u>	75
<u>(2) "Complimentary copies" or "review course materials"</u>	76
<u>includes books that, in all appearances, are the same as the</u>	77
<u>regular student edition of the textbook, and contain no material</u>	78

other than that found in the regular student edition of the 79
textbook. 80

(3) "Instructor copy" or "complimentary teacher edition" 81
means books with information that is intended for the exclusive 82
use of teachers and not for students, including books that contain 83
answers and solutions, test questions, and pedagogical techniques, 84
and those that are labeled "instructor's edition" or "instructor's 85
manual." 86

(4) "New edition" means a subsequent version of an earlier 87
standard textbook. A standard textbook is the primary, full, and 88
unabridged edition of a textbook. An abridged, alternate format, 89
or alternate version of a standard textbook shall not be 90
considered a new edition. 91

(5) "Publisher" means any person including any publishing 92
house, publishing firm, or publishing company that publishes 93
textbooks or other course materials that are specifically designed 94
for postsecondary instruction. 95

(6) "Textbook" means a book that contains printed material 96
and is intended for use as a source of study material for a class 97
or group of students, a copy of which is expected to be available 98
for the use of each of the students in that class or group. 99
"Textbook" does not include a novel. 100

Section 2. This act shall be known as the College Textbook 101
Affordability Act. 102