

**As Introduced**

**130th General Assembly  
Regular Session  
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**H. B. No. 616**

**Representative DeVitis**

**Cosponsors: Representatives Terhar, Butler, Thompson, Milkovich,  
Hagan, C.**

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**A B I L L**

To enact section 3345.47 of the Revised Code with 1  
regard to the selection, availability, and 2  
purchase of textbooks that are required for a 3  
course offered by any state institution of higher 4  
education. 5

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

**Section 1.** That section 3345.47 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3345.47.** (A) For purposes of this section: 8

(1) "State institution of higher education" has the same 9  
meaning as in section 3345.011 of the Revised Code. 10

(2) "Proprietary textbook" means a textbook that is used, 11  
produced, or marketed under exclusive legal right of any state 12  
institution of higher education or of a faculty member of any 13  
state institution of higher education, and for which the faculty 14  
member or institution earns royalties or other financial benefit 15  
upon the textbook's purchase. 16

(3) "Customized textbook" means any customized educational 17  
material, any combination of original manuscripts, published 18

journal articles, book excerpts, photographs, or illustrations, 19  
including, but not limited to, course instructional materials 20  
authored in part by the faculty member who assigned the textbook. 21

(4) A course of instruction is "exclusively offered" by a 22  
state institution of higher education when the subject matter of 23  
the course is discrete, unique, and not offered by any other state 24  
institution of higher education in the same or substantially 25  
similar format or manner. A course of instruction is not 26  
"exclusively offered" by a state institution of higher education 27  
when the course is transferable as determined by the chancellor of 28  
the Ohio board of regents or as provided for in sections 3333.16, 29  
3333.161, or 3333.162 of the Revised Code. 30

(B)(1) No state institution of higher education shall 31  
produce, publish, or require a student to purchase a proprietary 32  
or customized textbook unless that textbook is required for a 33  
course of instruction that is exclusively offered by the 34  
institution. 35

(2) No faculty member of a state institution of higher 36  
education shall require a student to purchase a proprietary 37  
textbook or a customized textbook for use in that faculty member's 38  
course of instruction unless the course of instruction is 39  
exclusively offered by the institution. 40

(C) If a student is required to purchase or use a specific 41  
textbook for a course offered by any state institution of higher 42  
education, that textbook shall be made available for purchase 43  
through at least two suppliers, one of which shall not be an 44  
entity owned or affiliated with the institution. This division 45  
does not apply to any textbook that is required for a course of 46  
instruction that is exclusively offered by the institution. 47