

Enrolled Senate Bill 365

Sponsored by Senator MORRISETTE; Senator WALKER, Representatives C EDWARDS, D EDWARDS, GREENLICK (at the request of OSPIRG, Oregon Student Association) (Pre-session filed.)

CHAPTER

AN ACT

Relating to textbooks.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 3 of this 2007 Act:

(1) "Adopter" means any faculty member or academic department or other adopting entity at a higher education institution responsible for considering and choosing course materials to be utilized in connection with accredited courses taught at the institution.

(2) "Higher education institution" means:

- (a) A community college, as defined in ORS 341.005;
- (b) A state institution of higher education listed in ORS 352.002;
- (c) The Oregon Health and Science University;
- (d) A private institution of higher education located in Oregon; and
- (e) A bookstore that serves as the primary bookstore for an entity listed in paragraphs (a) to (d) of this subsection.

(3) "Special edition" means a bound book that does not constitute a traditional textbook and that may or may not be used for instructional purposes.

(4)(a) "Textbook bundle" means a textbook packaged together with other supplemental course materials, including but not limited to workbooks, study guides, online technologies, online course resources, CD-ROMs or other books, to be sold as course material for one price.

(b) "Textbook bundle" does not include a textbook that is unusable without the supplemental course materials, materials that cannot be sold separately due to third-party contractual agreements, custom editions or special editions.

SECTION 2. (1) A publisher of college textbooks must provide to prospective adopters of a particular textbook or set of textbooks in a subject area in which an instructor is teaching a course:

(a) A complete list of all the different versions of the particular textbook or set of textbooks in that particular subject area and level in which an instructor is teaching a course, that are in the relevant language, including supplemental items, whether sold together or separately;

(b) The year in which each prior edition of the textbook listed in paragraph (a) of this subsection was published, if applicable; and

(c) The price at which the publisher would make the textbook or set of textbooks listed in paragraph (a) of this subsection available to adopters and higher education institutions that would resell the components to students.

(2) The information described in subsection (1) of this section may be provided in person, by telephone or electronically. The information must also be accessible to any member of the public and made available on the publisher's website, by telephone or by postal or electronic mail.

SECTION 3. (1) A publisher of college textbooks that sells textbook bundles shall offer to prospective adopters and higher education institutions the option of ordering each component of the textbook bundle separately.

(2) Any publisher of college textbooks that sells textbook bundles shall disclose to prospective adopters the availability of the textbook purchased separately from a textbook bundle and the price at which the publisher would make the separately purchased textbook available to the higher education institution.

SECTION 4. Sections 2 and 3 of this 2007 Act apply to textbooks and textbook bundles offered for sale on or after the effective date of this 2007 Act.

Passed by Senate May 10, 2007

Received by Governor:

Repassed by Senate June 13, 2007

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Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House June 8, 2007

Filed in Office of Secretary of State:

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Speaker of House

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Secretary of State