

**A-Engrossed**  
**Senate Bill 365**

Ordered by the Senate May 8  
Including Senate Amendments dated May 8

Sponsored by Senator MORRISSETTE; Senator WALKER (at the request of OSPIRG) (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs publishers of college textbooks and their agents to provide product information to prospective purchasers. Directs persons who sell textbooks and related products to public institutions of higher education to offer products individually. Directs persons to disclose to textbook users availability and cost of textbooks when purchased separately.]*

**Requires college textbook publishers to provide prospective adopters of particular textbook or set of textbooks with specified information regarding products. Requires publisher that sells textbook bundles to offer higher education institutions option of ordering each component of bundle separately and disclose availability and pricing of separately purchased textbook.**

**A BILL FOR AN ACT**

1  
2 Relating to textbooks.

3 Whereas textbooks are an essential part of a comprehensive and high-quality post-secondary  
4 education; and

5 Whereas the availability and affordability of textbooks directly impact the quality and  
6 affordability of post-secondary education; and

7 Whereas it is in the best interests of the state that high-quality course materials be available  
8 and affordable to students; and

9 Whereas textbooks are expensive and textbook prices are, as of 2005, 26 percent of the cost of  
10 tuition at an average four-year university and 72 percent of tuition at the average community col-  
11 lege; and

12 Whereas textbook publishers artificially inflate prices through a number of practices, including  
13 undermining the used book market by often producing new editions of textbooks that contain few,  
14 if any, changes from one edition to the other, by inflating textbook prices by bundling textbooks  
15 with additional items that both students and faculty report they do not actually use for class, but  
16 that drive up textbook prices, and by keeping faculty members uninformed about the costs of text-  
17 books, so that faculty are unable to make educated purchasing decisions for their students; and

18 Whereas it is important to deliver to students high-quality materials that are affordable; and

19 Whereas textbook publishers should produce textbooks that are as inexpensive as possible  
20 without sacrificing the educational quality of the textbooks; and

21 Whereas textbook publishers should keep their products on the market for as long as possible  
22 without sacrificing educational quality, and textbooks should be revised only for the purpose of  
23 adding significant new content that is pertinent to the subject; and

24 Whereas textbook publishers should disclose to faculty members and the public all of the dif-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ferent products they sell, list how much each of those products cost and state the length of time for  
2 which they intend to produce each product; and

3 Whereas textbook publishers should ensure that any textbooks and supplementary items that are  
4 bundled together should also be available for purchase separately; and

5 Whereas faculty should consider the least costly practices in assigning textbooks when these  
6 practices are educationally sound, as determined by the appropriate faculty; and

7 Whereas college and university bookstores are encouraged to coordinate with faculty to review  
8 timelines and processes involved in ordering and stocking selected textbooks, disclose textbook costs  
9 to faculty and students and actively promote and publicize book buyback programs; and

10 Whereas colleges and universities are encouraged to promote a vibrant used book market, in-  
11 cluding but not limited to used book exchange programs and rental programs; and

12 Whereas the Legislative Assembly finds and declares that the production and pricing of college  
13 textbooks deserves a high level of attention from educators and lawmakers because production and  
14 pricing impact the quality and affordability of higher education; now, therefore,

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

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

17 (1) **“Adopter” means any faculty member or academic department or other adopting en-**  
18 **tity at a higher education institution responsible for considering and choosing course mate-**  
19 **rials to be utilized in connection with accredited courses taught at the institution.**

20 (2) **“Higher education institution” means:**

21 (a) **A community college as defined in ORS 341.005;**

22 (b) **A state institution of higher education listed in ORS 352.002;**

23 (c) **The Oregon Health and Science University;**

24 (d) **A private institution of higher education located in Oregon; and**

25 (e) **A bookstore that serves as the primary bookstore for an entity listed in paragraphs**  
26 **(a) to (d) of this subsection.**

27 (3)(a) **“Textbook bundle” means a textbook and other supplemental course materials, in-**  
28 **cluding but not limited to workbooks, study guides, online technologies, online course re-**  
29 **sources, CD-ROMs or other books, packaged together to be sold as course material for one**  
30 **price.**

31 (b) **“Textbook bundle” does not include a textbook that is unusable without the supple-**  
32 **mental course materials.**

33 **SECTION 2. (1) A publisher of college textbooks must provide to prospective adopters of**  
34 **a particular textbook or set of textbooks in a particular subject:**

35 (a) **A complete list of all the different versions of the particular textbook or set of text-**  
36 **books in that particular subject area, in the relevant language, including supplemental items,**  
37 **whether sold together or separately;**

38 (b) **The estimated length of time the publisher intends to keep each product on the**  
39 **market; and**

40 (c) **The wholesale price of each product.**

41 (2) **The information described in subsection (1) of this section may be provided in person,**  
42 **by telephone or electronically. The information must also be easily accessible by any mem-**  
43 **ber of the public and made available on the publisher’s website, if the publisher has a**  
44 **website.**

45 **SECTION 3. (1) A publisher of college textbooks that sells textbook bundles shall offer**

1 to higher education institutions the option of ordering each component of the textbook bun-  
2 dle separately.

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

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

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