

Senate Bill 365

Sponsored by Senator MORRISETTE (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 **as introduced**.

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.

A BILL FOR AN ACT

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Relating to textbooks.

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

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

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

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

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

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

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

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

Whereas textbook publishers should disclose to faculty members and the public all of the different products they sell, list how much each of those products cost and state the length of time for which they intend to produce each product; and

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

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

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

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

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

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

10 **SECTION 1. (1) As used in this section, “products” includes all of the different versions**
 11 **of a particular textbook or set of textbooks in a particular subject area, including supple-**
 12 **mental items, whether sold together or separately.**

13 **(2) A publisher of college textbooks or the publisher’s agent must provide to a prospec-**
 14 **tive purchaser of the publisher’s products in this state a complete list of all of the publisher’s**
 15 **products, the wholesale price of each product and the estimated length of time that the**
 16 **publisher intends to keep each product on the market. The list shall be provided at the be-**
 17 **ginning of any sales interaction. The list may be provided in person, by telephone or elec-**
 18 **tronically. The list must also be made available in an easy-to-locate section of the company’s**
 19 **website and generally be easily accessible by any member of the public.**

20 **SECTION 2. (1) As used in this section:**

21 **(a) “Public higher education institution” means:**

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

23 **(B) A state institution of higher education listed in ORS 352.002; and**

24 **(C) The Oregon Health and Science University.**

25 **(b) “Textbook bundle” means a textbook offered for sale in combination with additional**
 26 **related products.**

27 **(2) Any person who sells textbook bundles to a public higher education institution shall**
 28 **offer to the institution the option of buying each component of the textbook bundle sepa-**
 29 **rately.**

30 **(3) Any person who sells textbook bundles to a public higher education institution shall**
 31 **disclose to end users of the textbook bundles, including college faculty and students, infor-**
 32 **mation indicating the availability and cost of the textbook when purchased separately from**
 33 **a textbook bundle. The person shall include this disclosure in all printed, electronic and**
 34 **verbal communications to end users regarding availability of the textbook for purchase.**

35 **SECTION 3. Section 2 of this 2007 Act applies to textbooks purchased on or after the**
 36 **effective date of this 2007 Act.**

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