

**Minority Report**  
**A-Engrossed**  
**Senate Bill 365**

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

Sponsored by nonconcurring members of the Senate Committee on Education and General Government: Senators  
KRUSE, MORSE

**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 publisher that sells textbook bundles to offer higher education institutions option of ordering each component of bundle separately and to disclose pricing of separately purchased components.**

**Prohibits employee of higher education institution from receiving consideration for adopting specific required course materials. Provides exceptions.**

**Prohibits sale or resale of textbooks or course materials marked or identified as free materials.**

**A BILL FOR AN ACT**

1  
2 Relating to textbooks.

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

4 **SECTION 1. As used in this sections 1 to 4 of this 2007 Act:**

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

9 (2) "Higher education institution" means:

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

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

12 (c) The Oregon Health and Science University; and

13 (d) A private institution of higher education located in Oregon.

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

18 (b) "Textbook bundle" does not include course materials that are designed solely for sale  
19 as an integrated combination of two or more units, materials that cannot be sold separately  
20 due to third-party contractual agreements, custom editions or special editions.

21 **SECTION 2. (1) Any publisher of college textbooks who sells textbook bundles to a higher**

**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 education institution shall offer to the institution the option of buying each component of  
2 the textbook bundle separately.

3 (2) Any publisher of college textbooks who sells textbook bundles to a higher education  
4 institution shall, upon request, make available to prospective adopters of textbooks or pur-  
5 chasing entities of higher education institutions the price at which the publisher would make  
6 the components of the textbook bundle available to college bookstores that would offer to  
7 resell the components to students.

8 **SECTION 3.** (1) Except as provided in subsection (2) of this section, an employee of a  
9 higher education institution may not demand or receive any payment, loan, advance, deposit  
10 of money or promise thereof in return for adopting specific course materials required for  
11 coursework or instruction.

12 (2) An employee of a higher education institution may receive the following:

13 (a) Free review course materials, instructor's copies or instructional materials that are  
14 not intended for resale;

15 (b) Royalties or other compensation from sales of course materials that include the em-  
16 ployee's writing or work;

17 (c) Honoraria for academic peer review of course materials; and

18 (d) Training in the use of course materials or course technologies.

19 **SECTION 4.** (1) A course material vendor or bookstore at a higher education institution  
20 may not solicit employees of a higher education institution for the purpose of obtaining for  
21 resale free review course materials not intended for resale and that have been provided by  
22 a college textbook publisher at no charge to the employee.

23 (2) A bookstore at a higher education institution may not sell or resell college textbooks  
24 or other course materials marked or identified as free review course materials.

25 **SECTION 5.** Section 2 of this 2007 Act applies to textbooks purchased on or after the  
26 effective date of this 2007 Act.

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