
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2136 Session of
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INTRODUCED BY COHEN, CLYMER, DALEY, BELFANTI, BRENNAN, FABRIZIO,
GEORGE, GOODMAN, GRUCELA, HARHAI, HARKINS, JAMES, JOSEPHS,
KORTZ, LONGIETTI, MCGEEHAN, MELIO, MURT, MYERS, M. O'BRIEN,
PALLONE, PARKER, READSHAW, SHIMKUS, SIPTROTH, THOMAS, WALKO,
WANSACZ, J. WHITE AND YOUNGBLOOD, DECEMBER 18, 2007

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 18, 2007

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, providing for publisher's lists and for roles of
3 adopters.

4 The General Assembly finds and declares as follows:

5 (1) Textbooks are an essential part of a comprehensive
6 and high-quality postsecondary education. The availability
7 and affordability of textbooks directly impact the quality
8 and affordability of postsecondary education. It is in the
9 best interests of the Commonwealth that high-quality course
10 materials be available and affordable to students.

11 (2) Textbooks are expensive. The General Accounting
12 Office and independent student research have shown that
13 textbook prices are, as of 2005, 26% of the cost of tuition
14 at an average four-year university and 72% of tuition at the
15 average community college.

16 (3) Textbook publishers artificially inflate prices
17 through a number of practices, including:

(i) Undermining the used book market by often producing new editions of textbooks that contain few, if any, changes from one edition to the other.

(ii) Inflating textbook prices by "bundling" textbooks with additional items that both students and faculty report are not actually used for class, but which drive up the price of the textbooks.

(iii) Keeping faculty members in the dark about the costs of textbooks, so that they are unable to make educated purchasing decisions for their students.

(4) To deliver high-quality, affordable materials to students, all of the following should occur:

(i) Textbook publishers should produce textbooks that are as inexpensive as possible without sacrificing the educational quality of the textbooks.

(ii) Textbook publishers should keep their products on the market for as long as possible without sacrificing educational quality. Textbook revisions should only be done if there is significant new content to the subject materials.

(iii) Textbook publishers should disclose to faculty members and the public all of the different products they sell, and they should list how much each of those products costs and the length of time they intend to produce each product.

(iv) Textbook publishers should ensure that any textbooks and supplementary items that are bundled together should also be available for purchase separately.

(v) Faculty should consider the least costly

1 practices in assigning textbooks when these practices are
2 educationally sound, as determined by the appropriate
3 faculty.

4 (vi) College and university bookstores should work
5 with faculty to review time lines and processes involved
6 in ordering and stocking selected textbooks, disclose
7 textbook costs to faculty and students and actively
8 promote and publicize book buyback programs.

9 (vii) Colleges and universities should do everything
10 within their power to promote a vibrant used-book market,
11 including, but not limited to, used-book exchange and
12 rental programs.

13 (5) The production and pricing of college textbooks
14 deserves a high level of attention from educators and
15 lawmakers, because textbooks impact the quality and
16 affordability of higher education.

17 (6) The General Assembly urges textbook publishers,
18 faculty members, bookstores and colleges and universities to
19 adopt the solutions proposed in this act.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Title 24 of the Pennsylvania Consolidated
23 Statutes is amended by adding a chapter to read:

24 CHAPTER 67

25 SUPPLIES

26 Sec.

27 6701. Publisher's lists.

28 6702. Role of adopters.

29 § 6701. Publisher's lists.

30 (a) Duties of publisher.--Each publisher, agent, or employee

of a publisher of textbooks intended for use at a postsecondary educational institution shall provide prospective purchasers at a postsecondary educational institution with all of the following:

(1) A complete list of all of the products offered for sale by that publisher and that are germane to the subject area of interest to the prospective purchaser.

(2) For each product listed under paragraph (1), the wholesale or retail price of that product and the estimated length of time that the publisher intends to keep that product on the market.

(3) For each new edition of a product listed under paragraph (1), a complete list of all substantive differences or changes made between the current edition and the most recent previous edition of the textbook.

(b) Availability to purchaser.--The lists required by subsection (a) shall be made available to the prospective purchaser at the start of any sales interaction at a postsecondary educational institution, whether that interaction is in person, by telephone or electronic. The lists required by subsection (a) shall also be made available in a prominent position on the Internet website of the publisher.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Postsecondary educational institution." The term includes both public and private postsecondary educational institutions.

"Product." The term includes each different version of a particular textbook or set of textbooks in a particular subject area, and includes a supplemental item, whether that item is

1 sold separately or concurrently with a textbook.

2 "Purchaser." A member of a college or university faculty who
3 chooses the textbooks to be assigned to the students enrolled in
4 the classes taught by the faculty member.

5 "Textbook." A book intended for use as a principal source of
6 study material for a class or group of students, a copy of which
7 is expected to be available for the individual use of each
8 student in that class or group.

9 § 6702. Role of adopters.

10 (a) Textbook costs.--

11 (1) Adopters are encouraged to consider cost in the
12 adoption of textbooks.

13 (2) Publishers shall facilitate the work done by
14 adopters by providing transparency in the adoption process
15 and shall be responsive in a timely manner to requests for
16 information on textbook cost and content, and the full range
17 of options.

18 (b) Editions.--

19 (1) On or after January 1, 2010, the publisher of a
20 textbook shall print on the outer cover of, or within the
21 standard textbook, both of the following items:

22 (i) For new editions of textbooks initially
23 published on or after January 1, 2010, a summary of the
24 substantive content differences between the new edition
25 and the prior edition.

26 (ii) The copyright date of the previous edition of
27 the textbook.

28 (2) For instructor copies or complimentary teacher
29 editions, it shall be noted on the exterior of the book that
30 the book is an instructor's copy and is not for resale.

1 (c) Duty to respond.--

2 (1) A publisher, agent or employee of a publisher of
3 textbooks intended for use at a postsecondary educational
4 institution shall respond to a request from an adopter for
5 any of the following:

6 (i) A list of the products offered for sale by that
7 publisher that are relevant to the needs and interests of
8 adopters.

9 (ii) The price at which the new textbook is
10 available from the publisher.

11 (iii) The copyright date of any prior edition of a
12 textbook, if available.

13 (iv) A list of the substantial content differences
14 or changes made between the current edition initially
15 published on or after January 1, 2010, and the previous
16 edition of the textbook, including new chapters,
17 additional eras of time, new themes or new subject
18 matter.

19 (2) The information described in this subsection shall
20 be available in print or electronically to the adopter.

21 (d) Campus bookstore.--Each campus bookstore at a public
22 postsecondary educational institution shall post in its store or
23 on its Internet website a disclosure of its retail pricing
24 policy on new and used textbooks.

25 (e) Lead time.--Each public postsecondary educational
26 institution shall encourage adopters with course material
27 selection responsibilities to place their orders with sufficient
28 lead time, whenever possible, to enable the university-managed
29 bookstore or contract-managed bookstore to confirm the
30 availability of the requested materials.

1 (f) Faculty authority.--This subsection does not limit the
2 authority of faculty over decisions relating to the selection of
3 textbooks. An adopter at an institution of higher education
4 shall not demand or receive anything of value, including the
5 donation of equipment or goods, any payment, loan, advance or
6 deposit of money, present or promised, for adopting specific
7 course materials required for coursework or instruction, except
8 that an employee may receive the following:

9 (1) Complimentary copies, review course materials, or
10 instructor copies. The adopters shall not sell instructor
11 copies.

12 (2) Royalties or other compensation from sales of course
13 materials that include the instructor's writing or other
14 work. Receipt of these royalties or compensation shall be
15 subject to the employer's standing policies or collective
16 bargaining agreements relating to employee conflicts of
17 interest.

18 (3) Honoraria for academic peer review of course
19 materials. Receipt of honoraria shall be subject to the
20 employer's standing policies relating to employee conflicts
21 of interest.

22 (4) Training in the use of course materials and course
23 technologies. Payment for travel, lodging or meals shall be
24 subject to the employer's standing policies relating to
25 employee conflicts of interest and compensation.

26 (g) Solicitation prohibited.--A publisher or campus
27 bookstore shall not solicit faculty for the purpose of the sale
28 of instructor copies or complimentary teachers editions of
29 textbooks that have been provided by a publisher at no charge to
30 a faculty member or other employee. This subsection shall not

1 apply to unsolicited complimentary copies.

2 (h) Instructor copies.--A campus bookstore shall not engage
3 in the trade of any course material marked, or otherwise
4 identified, as instructor copies or complimentary teachers
5 editions of textbooks.

6 (i) ISBN number.--A campus bookstore shall not attempt to
7 conceal the International Standard Book Number (ISBN) of any
8 textbook.

9 (j) Self-published textbooks.--A self-published textbook by
10 an instructor for use with that instructor's class shall be
11 exempt from this section if the instructor discloses the
12 publishing and use of those materials to the employer
13 institution.

14 (k) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Adopter." A faculty member, academic department or other
18 adopting entity at an institution of higher education
19 responsible for considering and choosing course materials to be
20 used in connection with the accredited courses taught at that
21 institution.

22 "Complimentary copies" or "review course materials." The
23 term only includes books that in all appearances are the same as
24 the regular student edition of the textbook, and contain no
25 material other than that found in the regular student edition of
26 the textbook.

27 "Instructor copies " or "complimentary teacher editions."
28 Books with information that is meant to be for the exclusive use
29 of teachers and not for students. These books contain answers
30 and solutions, test questions and pedagogical techniques, and

1 are often labeled instructor's edition or instructor's manuals.

2 "New edition of textbook." A subsequent version of an
3 earlier standard textbook. A standard textbook is the primary,
4 full and unabridged edition of a textbook. An abridged,
5 alternate format or alternate version of a standard textbook
6 shall not be considered a new edition.

7 "Publisher." A publishing house, publishing firm or
8 publishing company that publishes textbooks or other course
9 materials, specifically designed for postsecondary instruction.

10 "Textbook." A book that contains printed material and is
11 intended for use as a source of study material for a class or
12 group of students, a copy of which is expected to be available
13 for the use of each of the students in that class or group. The
14 term does not include a novel.

15 "Unsolicited complimentary copies." Complimentary copies or
16 review course materials that were not requested by faculty but
17 are sent by the publisher unsolicited by a faculty or staff
18 member.

19 Section 2. This act shall take effect in 60 days.