The Textbook Competition and Affordability Act of 2009
HB 85 / SB 183
April 11, 2009

By July, 2009 each public institution of higher education in Maryland shall develop and implement the following:

I. An informational campaign to assist faculty and make them aware of textbook-related issues including:
   a. Price of the books and supplemental materials
   b. Existence of variances in price of bundled and unbundled materials
   c. Substantial content revisions between current editions of textbooks
   d. Identification of integrated textbooks
   e. Fiscal impact on the student

II. A procedure by which bookstores and students are made aware of the information required to be disclosed.

III. A “best practices” process for faculty in selecting books and materials that:
   a. Ensures early adoption
   b. Encourages use of used books and previous editions
   c. Ensures that the majority of assigned material will be used in the course
   d. Ensures that faculty is aware of various outlets for the supply of books and materials

IV. A process by which faculty members acknowledge the following:
   a. The change in cost if selecting a different book from a different publisher
   b. If selecting a different edition, the content difference as reported by the publisher and that the new edition is needed due to substantial content difference
   c. The price difference between the editions and that the previous edition may be available to the student at a lower price via the used book market
   d. That supplemental material included in a bundle is intended for use in the course

V. A publisher and campus bookstore shall:
   a. Provide and sell books and materials in the same manner as ordered by faculty members
   b. If a selection is unavailable, work with the faculty to find alternative
   c. Publishers are to provide price information must make materials available as separate and unbundled items
   d. With permission of the faculty, a campus bookstore may sell books in a different manner than selected and ordered by faculty members for the purpose of providing used books, prior editions or other lower-cost options
VI. At the request of a bookstore, all institutions must forward the following information within one week of a faculty member’s selection and transmission to a campus bookstore or when the selection is finalized (whichever is earlier):
   a. Whether supplemental material is required
   b. Whether previous editions will suffice
   c. The title
   d. The author
   e. Publisher
   f. Edition
   g. Copyright and publication date when available
   h. ISBN
   i. Anticipated enrollment for the course

VII. The information above must also be made available to the public by posting the information on the college website within 3 weeks following the faculty’s selection of a textbook/materials, or when the selection is finalized (whichever is earlier).

VIII. Higher education institutions shall inform bookstores, students or the public who access the website if the selection is not finalized.

IX. All bookstores that offer textbooks for sale prior to the selection being finalized shall provide:
   a. A caveat regarding potential consequences
   b. The return policy of the bookstore

X. Time extensions may be granted to faculty:
   a. Upon approval by the department chair and the Dean or Division Head of the institution
   b. Extensions are to be written and posted on the website.

XI. Public institutions are prohibited from selling textbooks for aesthetic changes or commemorative editions.

XII. By December 1, 2011:
   a. Each institution of higher education is to report to the Maryland Higher Education Commission regarding efforts to lower the cost of textbooks and the “best-practices” process developed under this act.
   b. The segments of higher education will work in consultation with MHEC to conduct a feasibility study regarding:
      Textbook rental programs
      Establishment of statewide digital marketplace for textbooks
      Accessibility of the digital marketplace and all electronic textbooks to blind and print-disabled students and faculty members

XIII. By December 31, 2011:
   a. MHEC shall compile the reports and submit to the Governor and General Assembly:
      Results of the feasibility study outlined above
      Recommendations regarding textbook rental programs
      Establishment of a digital market place
      Statewide policies to ameliorate the high cost of textbooks