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AN ACT
relating to measures to increase the affordability of textbooks
used for courses at public or private institutions of higher
education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Education Code, is amended by adding
Subchapter I to read as follows:

SUBCHAPTER I. TEXTBOOKS
Sec. 51.451. DEFINITIONS. In this subchapter:

(1) "College bookstore" means a bookstore that is:
(A) operated by an institution of higher
education; or
(B) in a contractual relationship or otherwise
affiliated with an institution of higher education.

(2) "Custom textbook" means a textbook that is
compiled by a publisher at the direction of a faculty member or
other person in charge of selecting course materials at an
institution of higher education and that may include items such as
selections from original instructor materials, previously
copyrighted publisher materials, copyrighted third-party works, or
elements unique to a specific institution.

(3) "Faculty member" has the meaning assigned by
Section 51.917.

(4) "Institution of higher education" means:
(A) an institution of higher education as defined by Section 61.003; or

(B) a private or independent institution of higher education as defined by Section 61.003.

(5) "Supplemental material," with respect to a textbook, means instructional material developed to accompany the textbook, including printed materials, computer disks, website access, and electronically distributed materials, other than material that is part of an integrated textbook.

(6) "Textbook" means a book published primarily for instruction in connection with a particular course or courses offered to postsecondary students by an institution of higher education. The term includes any edition of a textbook or set of textbooks and any item considered supplemental specifically to the textbook, regardless of whether the textbook and supplemental item are sold together or separately.

(7) "Textbook bundle" means a textbook that is combined with other instructional material, such as another textbook or additional printed material, a computer disk, website access, or electronically distributed material, and that is packaged or otherwise offered for sale with that instructional material at a single price. The term does not include a textbook that is combined with other instructional material if that material in its entirety is:

(A) required to be offered for sale with or as part of the textbook, according to a third-party contractual agreement; or
interrelated with the content of the textbook to such a degree that any separation of the material from the textbook would render the textbook unusable for its intended purpose.

Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each institution of higher education shall:

(1) for each semester or academic term, compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook:

(A) the retail price;

(B) the author;

(C) the publisher;

(D) the most recent copyright date; and

(E) the International Standard Book Number assigned, if any;

(3) except as provided by Subsection (b), at the time required by Subsection (c)(2):

(A) publish the textbook list with the course schedule on the institution's Internet website and with any course schedule the institution provides in hard copy format to the students of the institution; and

(B) make that information available to college
bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

(b) An institution of higher education is not required to publish a textbook list as described by Subsection (a)(3)(A) or any revisions to that textbook list as described by Subsection (a)(4) if a college bookstore publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution at the appropriate times required by this section.

(c) To allow for timely placement of textbook orders by students, each institution of higher education shall:

(1) establish a deadline by which faculty members must submit information to be included in the course schedule and textbook list required by Subsection (a); and

(2) disseminate the institution's course schedule and textbook list as required by Subsection (a)(3) as soon as practicable after the institution has compiled the schedule and list but not later than the 30th day before the first day that classes are conducted for the semester or other academic term for which the schedule and list are compiled.

Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS.
To the extent practicable, an institution of higher education shall make reasonable efforts to disseminate to its students information regarding:
(1) available institutional programs for renting textbooks or for purchasing used textbooks;

(2) available institutional guaranteed textbook buyback programs;

(3) available institutional programs for alternative delivery of textbook content; and

(4) other available institutional textbook cost-savings strategies.

Sec. 51.454. TEXTBOOK PUBLISHERS: AVAILABILITY OF INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES, REVISIONS, AND COPYRIGHTS. (a) When a textbook publisher provides information regarding a textbook or supplemental material to a faculty member or other person in charge of selecting course materials at an institution of higher education, the publisher shall also provide to the faculty member or other person written information that includes:

(1) the price at which the publisher would make the textbook or supplemental material available to a college bookstore or other bookstore that generally serves the students of the institution and, if applicable, to the public;

(2) the copyright dates of the current and three preceding editions of the textbook;

(3) a description of any substantial content revisions made between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or material, including the addition of new chapters, new material covering additional time periods, new themes, or new subject
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matter;

(4) information as to whether the textbook or supplemental material is available in other formats, such as a paperback or unbound version; and

(5) the price at which the publisher would make the textbook or supplemental material in any alternative format available to a bookstore described by Subdivision (1) and, if applicable, to the public.

(b) A textbook publisher shall comply with this section with respect to a custom textbook only to the extent reasonably practicable.

Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that offers a textbook bundle for sale directly to students enrolled at an institution of higher education or, for resale purposes, to a college bookstore or other bookstore that generally serves the students of the institution shall also offer for sale to the students or bookstore, as applicable, each individual item of instructional material as a separate, unbundled item that is separately priced.

SECTION 2. Subchapter I, Chapter 51, Education Code, as added by this Act, applies beginning with the 2012 fall semester.

SECTION 3. This Act takes effect September 1, 2011.
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President of the Senate

Speaker of the House

I certify that H.B. No. 33 was passed by the House on April 15, 2011, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 33 was passed by the Senate on May 23, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: ______________________

Date

Governor