

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2048
94TH GENERAL ASSEMBLY

Reported from the Committee on Higher Education March 12, 2008 with recommendation that House Committee Substitute for House Bill No. 2048 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4627L.02C

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be
2 known as section 173.955, to read as follows:

**173.955. 1. The provisions of this section shall be known as the "Textbook
2 Transparency Act". For purposes of this section, the following terms mean:**

3 **(1) "Adopter", any faculty member or academic department at an approved
4 institution of higher education responsible for considering and choosing course materials
5 to be utilized in connection with the accredited courses taught at the approved institution
6 of higher education;**

7 **(2) "Approved institution of higher education", an educational institution located
8 in Missouri which:**

9 **(a) Is directly controlled or administered by a public agency or political
10 subdivision;**

11 **(b) Receives appropriations directly or indirectly from the general assembly for
12 operating expenses;**

13 **(c) Provides a postsecondary course of instruction at least six months in length
14 leading to or directly creditable toward a degree or certificate;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (d) Meets the standards for accreditation as determined by either the North Central
16 Association of Colleges and Secondary Schools, or if a public junior college created under
17 the provisions of sections 178.370 to 178.400, RSMo, meets the standards established by the
18 coordinating board for higher education for such public junior colleges, or by other
19 accrediting bodies recognized by the United States Office of Education or by utilizing
20 accreditation standards applicable to the institution as established by the coordinating
21 board for higher education;

22 (e) Does not discriminate in the hiring of administrators, faculty and staff or in the
23 admission of students on the basis of race, color, religion, sex, or national origin and is
24 otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive
25 orders issued pursuant thereto;

26 (f) Permits faculty members to select textbooks without influence or pressure by
27 any religious or sectarian source;

28 (3) "College textbook", a textbook or a set of textbooks used for a course on
29 postsecondary education at an approved public institution of higher education;

30 (4) "Integrated textbook", a college textbook that:

31 (a) Is combined with materials developed by a third party and that, by third-party
32 contractual agreement, may not be offered by publishers separately from the college
33 textbook with which the materials are combined; or

34 (b) Includes functionally interdependent course materials designed to be used solely
35 as a single unit and whose separation would substantially degrade the academic content
36 so that it would not be usable to the student;

37 (5) "Products", all versions of a college textbook or set of college textbooks, except
38 custom textbooks or special editions of textbooks, available in the subject area for which
39 a prospective purchaser is teaching a course, including supplemental material, both when
40 sold together or separately from a college textbook;

41 (6) "Supplemental material", educational material that may accompany a college
42 textbook, including printed materials, computer disks, website access, and electronically
43 distributed materials, that is neither:

44 (a) Bound by third-party contractual agreements to be sold in an integrated
45 textbook; nor

46 (b) A component of an integrated textbook.

47 2. Each publisher of college textbooks shall provide, upon request, the following
48 information to faculty members or adopters at an approved institution of higher education,
49 whenever the publisher provides a faculty member or adopter with information about the
50 publisher's products:

51 (1) The suggested retail price, the estimated wholesale price, or the price at which
52 the publisher makes the products available to the public;

53 (2) The substantial content revisions for such products made between a current
54 textbook edition and the previous edition, if any;

55 (3) The copyright dates of all previous editions of such college textbook in the
56 preceding ten years, if any; and

57 (4) Whether the products are available in any other format, including paperback
58 and unbound, and the suggested retail price, the estimated wholesale price, or the price at
59 which the publisher makes the products available to the public in the other format.

60 3. A publisher that sells a college textbook and any supplemental material
61 accompanying such college textbook as a single bundle shall also make available the college
62 textbook and each supplemental material as separate and unbundled items, each separately
63 priced.

64 4. Where existing technology and contracts make it feasible, an approved public
65 institution of higher education shall develop a policy that permits students to use financial
66 aid that has not been disbursed for tuition or fees to purchase required textbooks for
67 courses taught at the institution at stores on the campus of the institution.

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