

# HOUSE BILL 85

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By: **Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena-Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: January 19, 2009

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **College Textbook Competition and Affordability Act of 2009**

3 FOR the purpose of requiring certain institutions of higher education to develop and  
4 implement informational campaigns, certain textbook adoption processes,  
5 certain procedures relating to certain disclosures and certain affirmations, and  
6 certain best practices processes; requiring certain institutions to develop a  
7 certain process for the affirmation and acknowledgment by certain faculty of  
8 certain information; requiring certain publishers to disclose certain information  
9 in certain formats relating to certain prices, certain textbook-related  
10 information, certain content revisions, certain other formats, and certain  
11 variances in price; requiring certain publishers and certain bookstores to  
12 provide and sell certain textbooks and certain supplemental material in a  
13 certain manner and to work with certain faculty members to find certain  
14 alternatives under certain circumstances; requiring certain textbooks and  
15 certain supplemental material to be available in certain packages; requiring  
16 certain institutions to provide certain information to certain bookstores under  
17 certain circumstances, subject to certain notifications; requiring certain  
18 institutions to make certain information available by posting it on certain  
19 websites on or before a certain time; requiring certain institutions to allow  
20 certain bookstores to advertise and have certain access to certain students  
21 under certain circumstances; providing for a certain exception to the provisions  
22 of this Act; providing for the construction of this Act; requiring certain  
23 institutions to make certain reports to the Maryland Higher Education  
24 Commission regarding certain analyses of certain textbook prices and certain  
25 other information on or before a certain date; requiring the Commission to  
26 compile certain reports and forward the compilation to the Governor and the  
27 General Assembly on or before a certain date; requiring certain institutions to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 report regarding certain policies developed in accordance with this Act;  
2 requiring the Commission, in consultation with certain stakeholders, to conduct  
3 certain feasibility studies on or before a certain date; requiring the University  
4 System of Maryland to conduct a certain study regarding certain business  
5 models and report the results of the study to the Board of Regents and the  
6 General Assembly; defining certain terms; and generally relating to the sale of  
7 college textbooks.

8 BY adding to  
9 Article – Education  
10 Section 15–112  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume)

### 13 Preamble

14 WHEREAS, In 2005, the federal Government Accountability Office (GAO)  
15 reported that during the period of December 1986 through December 2004, college  
16 textbook prices increased 186% and inflation increased only 72%; and

17 WHEREAS, The textbook market is supply–driven rather than demand–driven  
18 and consequently offers consumers (students) no role in determining price, format, or  
19 quality of the product; and

20 WHEREAS, The State of Maryland has passed legislative initiatives to control  
21 the cost of tuition but not to control the cost of textbooks; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

### 24 Article – Education

#### 25 15–112.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
27 MEANINGS INDICATED.

28 (2) (I) “BOOKSTORE” MEANS ANY ENTITY THAT OFFERS BOOKS  
29 OR OTHER COURSE MATERIALS FOR SALE.

30 (II) “BOOKSTORE” INCLUDES CAMPUS BOOKSTORES AND  
31 ONLINE VENDORS.

32 (3) (I) “BUNDLE” MEANS ONE OR MORE COLLEGE TEXTBOOKS  
33 OR OTHER SUPPLEMENTAL MATERIAL THAT ARE PACKAGED TOGETHER TO BE  
34 SOLD AS COURSE MATERIALS FOR ONE PRICE.

1                   (II) **“BUNDLE” DOES NOT INCLUDE SINGLE, CUSTOM, OR**  
2 **INTEGRATED TEXTBOOKS.**

3                   (4) **“CAMPUS BOOKSTORE” MEANS A BOOKSTORE UNDER THE**  
4 **JURISDICTION OF AN INSTITUTION OF HIGHER EDUCATION.**

5                   (5) (I) **“CUSTOM TEXTBOOK” MEANS A COLLEGE TEXTBOOK**  
6 **THAT IS COMPILED BY A PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER**  
7 **OR OTHER PERSON OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE**  
8 **MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION.**

9                   (II) **“CUSTOM TEXTBOOK” INCLUDES ORIGINAL**  
10 **INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, COPYRIGHTED**  
11 **THIRD-PARTY MATERIAL, OR ELEMENTS UNIQUE TO A SPECIFIC INSTITUTION,**  
12 **SUCH AS COMMEMORATIVE EDITIONS.**

13                   (6) **“INTEGRATED TEXTBOOK” MEANS A COLLEGE TEXTBOOK**  
14 **THAT IS COMBINED WITH:**

15                   (I) **MATERIALS DEVELOPED BY A THIRD PARTY AND THAT,**  
16 **BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY**  
17 **PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE**  
18 **MATERIALS ARE COMBINED; OR**

19                   (II) **OTHER MATERIALS THAT ARE SO INTERRELATED WITH**  
20 **THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE**  
21 **COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE**  
22 **COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.**

23                   (7) **“ISBN” MEANS THE UNIQUE INTERNATIONAL STANDARD**  
24 **BOOK NUMBER ASSIGNED TO A COLLEGE TEXTBOOK THAT IS USED BY**  
25 **PUBLISHERS TO IDENTIFY EACH EDITION AND PRINTING OF A COLLEGE**  
26 **TEXTBOOK.**

27                   (8) **“SUBSTANTIAL CONTENT” MEANS A PART OF A COLLEGE**  
28 **TEXTBOOK, SUCH AS NEW CHAPTERS, NEW MATERIAL COVERING ADDITIONAL**  
29 **ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.**

30                   (9) (I) **“SUPPLEMENTAL MATERIAL” MEANS EDUCATIONAL**  
31 **MATERIAL DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK THAT IS NOT**  
32 **BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK.**

33                   (II) **“SUPPLEMENTAL MATERIAL” INCLUDES PRINTED**  
34 **MATERIALS AND ELECTRONIC MATERIALS SUCH AS COMPUTER DISKS AND WEB**  
35 **ACCESS CODES.**

1           **(B) THIS SECTION DOES NOT APPLY TO THE OVERSEAS PROGRAMS OF**  
2 **THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE.**

3           **(C) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE**  
4 **SHALL DEVELOP AND IMPLEMENT:**

5                   **(1) AN INFORMATIONAL CAMPAIGN TO ASSIST FACULTY AND**  
6 **MAKE THEM AWARE OF TEXTBOOK-RELATED ISSUES, INCLUDING:**

7                           **(I) WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF**  
8 **ANY, OF COLLEGE TEXTBOOKS AND OF SUPPLEMENTAL MATERIAL;**

9                           **(II) VARIANCES IN WHOLESALE PRICE AND SUGGESTED**  
10 **RETAIL PRICES, IF ANY, OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**

11                           **(III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN**  
12 **THE CURRENT EDITION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL**  
13 **MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR**  
14 **SUPPLEMENTAL MATERIAL AS REPORTED TO THE INSTITUTION UNDER**  
15 **SUBSECTION (E) OF THIS SECTION; AND**

16                           **(IV) THE FISCAL IMPACT TO STUDENTS OF THE HIGH COST**  
17 **OF COLLEGE TEXTBOOKS;**

18                   **(2) A COLLEGE TEXTBOOK ADOPTION PROCESS THAT INCLUDES**  
19 **THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES**  
20 **REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF NEW**  
21 **CURRENT EDITIONS, USED CURRENT EDITIONS, NEW PREVIOUS EDITIONS, AND**  
22 **USED PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL**  
23 **MATERIAL;**

24                   **(3) A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS ARE**  
25 **MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER**  
26 **SUBSECTION (G) OF THIS SECTION; AND**

27                   **(4) A BEST-PRACTICES PROCESS FOR FACULTY IN SELECTING**  
28 **COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL THAT:**

29                           **(I) ENSURES EARLY ADOPTION OF COLLEGE TEXTBOOKS**  
30 **AND SUPPLEMENTAL MATERIAL;**

31                           **(II) ENCOURAGES THE MAXIMUM USAGE OF USED COLLEGE**  
32 **TEXTBOOKS AND OF PREVIOUS EDITIONS OF COLLEGE TEXTBOOKS, WHEN**  
33 **POSSIBLE;**

1           **(III) FOR UNDERGRADUATE COLLEGE TEXTBOOKS, ENSURES**  
2 **THAT THE MAJORITY OF THE ASSIGNED MATERIAL WILL BE USED IN THE**  
3 **COURSE UNLESS IT WOULD BE IN THE STUDENT'S FINANCIAL INTEREST TO**  
4 **PURCHASE SEPARATE MATERIALS; AND**

5           **(IV) ENSURES THAT FACULTY ARE AWARE OF VARIOUS**  
6 **OUTLETS FOR THE SUPPLY OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL**  
7 **MATERIAL.**

8           **(D) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL**  
9 **DEVELOP A PROCESS BY WHICH FACULTY MEMBERS AFFIRM AND**  
10 **ACKNOWLEDGE THE INFORMATION UNDER PARAGRAPH (2) OF THIS**  
11 **SUBSECTION.**

12           **(2) BEFORE IDENTIFYING A COLLEGE TEXTBOOK OR**  
13 **SUPPLEMENTAL MATERIAL AND BEFORE TRANSMITTING THE SELECTION TO A**  
14 **CAMPUS BOOKSTORE, PROVIDING THE SELECTION TO ANY OTHER BOOKSTORE,**  
15 **OR POSTING THE SELECTION ON THE WEBSITE OF THE PUBLIC INSTITUTION OF**  
16 **HIGHER EDUCATION, A FACULTY MEMBER SHALL:**

17           **(I) IF SELECTING A DIFFERENT COLLEGE TEXTBOOK FROM**  
18 **A DIFFERENT PUBLISHER, AFFIRM AND ACKNOWLEDGE THE COST OF THE NEW**  
19 **SELECTION VERSUS THE COST OF THE PREVIOUS SELECTION; OR**

20           **(II) IF SELECTING A CURRENT EDITION OF A COLLEGE**  
21 **TEXTBOOK, AFFIRM AND ACKNOWLEDGE:**

22           **1. THE DIFFERENCES IN SUBSTANTIAL CONTENT**  
23 **BETWEEN THE CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS**  
24 **EDITION OF THE TEXTBOOK;**

25           **2. THAT THE USE OF THE CURRENT EDITION IS**  
26 **JUSTIFIED DUE TO A MATERIAL CHANGE IN SUBSTANTIAL CONTENT BETWEEN**  
27 **THE CURRENT EDITION AND THE PREVIOUS EDITION;**

28           **3. THE DIFFERENCE IN PRICE BETWEEN THE**  
29 **CURRENT EDITION OF THE TEXTBOOK AND THE PREVIOUS EDITION OF THE**  
30 **TEXTBOOK; AND**

31           **4. THAT THE PREVIOUS EDITION OF THE TEXTBOOK**  
32 **MAY BE AVAILABLE TO STUDENTS AT A LOWER PRICE VIA THE USED BOOK**  
33 **MARKET.**

1           **(E) (1) A PUBLISHER WHO SELLS COLLEGE TEXTBOOKS OR**  
2 **SUPPLEMENTAL MATERIAL AND PROVIDES INFORMATION REGARDING A**  
3 **COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL TO A FACULTY MEMBER,**  
4 **OTHER ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS, OR**  
5 **THE ADMINISTRATION OF AN INSTITUTION OF HIGHER EDUCATION SHALL**  
6 **DISCLOSE WITH THIS INFORMATION, IN WRITING, BY PAPER OR ELECTRONIC**  
7 **MEANS:**

8                   **(I) THE PRICE AT WHICH THE PUBLISHER WOULD MAKE**  
9 **THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO A**  
10 **BOOKSTORE AND THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE**  
11 **COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE DIRECTLY TO**  
12 **THE PUBLIC;**

13                   **(II) THE TITLE, AUTHOR, PUBLISHER, EDITION, CURRENT**  
14 **AND THREE PREVIOUS COPYRIGHT DATES, PUBLICATION DATE WHEN**  
15 **AVAILABLE, AND ISBN OF THE COLLEGE TEXTBOOK AND SUPPLEMENTAL**  
16 **MATERIAL, BOTH AS BUNDLED AND UNBUNDLED ITEMS;**

17                   **(III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN**  
18 **THE CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL**  
19 **MATERIAL AND THE PREVIOUS EDITION OF THE COLLEGE TEXTBOOK OR**  
20 **SUPPLEMENTAL MATERIAL EXPRESSED AS AN ITEMIZED LIST;**

21                   **(IV) OTHER AVAILABLE FORMATS FOR THE COLLEGE**  
22 **TEXTBOOK OR SUPPLEMENTAL MATERIAL SUCH AS PAPERBACK OR UNBOUND;**  
23 **AND**

24                   **(V) VARIANCES IN PRICE, IF ANY, BETWEEN BUNDLED AND**  
25 **UNBUNDLED ITEMS.**

26           **(2) EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE**  
27 **SHALL DEVELOP A PROCESS BY WHICH FACULTY MEMBERS ACKNOWLEDGE**  
28 **HAVING BEEN INFORMED OF THE DISCLOSURES REQUIRED UNDER PARAGRAPH**  
29 **(1) OF THIS SUBSECTION AND THE IMPACT THAT THE HIGH COST OF COLLEGE**  
30 **TEXTBOOKS AND SUPPLEMENTAL MATERIAL HAS ON STUDENTS.**

31           **(F) (1) A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE**  
32 **AND SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN THE SAME**  
33 **MANNER AS SELECTED AND ORDERED BY FACULTY MEMBERS.**

34                   **(2) (I) IF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**  
35 **IS UNAVAILABLE AS ORDERED, THE PUBLISHER AND THE CAMPUS BOOKSTORE**  
36 **SHALL WORK WITH THE FACULTY MEMBER TO FIND ALTERNATIVES.**

1                   (II) A PUBLISHER COLLABORATING WITH A CAMPUS  
2 BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS  
3 PARAGRAPH SHALL PROVIDE WHOLESALE PRICES AND SUGGESTED RETAIL  
4 PRICES, IF ANY, FOR ALTERNATIVE COLLEGE TEXTBOOKS AND SUPPLEMENTAL  
5 MATERIAL.

6                   (3) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND ANY  
7 SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE TEXTBOOK IN A  
8 BUNDLE SHALL ALSO MAKE AVAILABLE THE COLLEGE TEXTBOOK AND THE  
9 SUPPLEMENTAL MATERIAL AS SEPARATE AND UNBUNDLED ITEMS, EACH  
10 SEPARATELY PRICED.

11                  (G) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON THE  
12 REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL  
13 PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS  
14 SUBSECTION TO A BOOKSTORE AS SOON AS A FACULTY MEMBER IDENTIFIES A  
15 COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMITS THE  
16 SELECTION TO A CAMPUS BOOKSTORE.

17                  (2) THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF  
18 THIS SUBSECTION SHALL INCLUDE THE:

- 19                               (I) TITLE;
- 20                               (II) AUTHOR;
- 21                               (III) PUBLISHER;
- 22                               (IV) EDITION;
- 23                               (V) COPYRIGHT DATE AND PUBLICATION DATE WHEN  
24 AVAILABLE;
- 25                               (VI) ISBN; AND
- 26                               (VII) ANTICIPATED ENROLLMENT FOR THE COURSE.

27                  (3) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE  
28 THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION  
29 AVAILABLE TO STUDENTS AND THE REST OF THE PUBLIC BY POSTING THE  
30 INFORMATION ON ITS WEBSITE BY THE EARLIER OF:

1                   **1. SUBJECT TO PARAGRAPH (4) OF THIS**  
2 **SUBSECTION, 1 WEEK FOLLOWING THE PROVISION OF INFORMATION UNDER**  
3 **PARAGRAPH (1) OF THIS SUBSECTION; OR**

4                   **2. WHEN A CAMPUS BOOKSTORE PLACES A FINAL**  
5 **ORDER FOR A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL.**

6                   **(II) IN ADDITION TO THE INFORMATION POSTED UNDER**  
7 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL POST ON ITS**  
8 **WEBSITE:**

9                   **1. WHETHER SUPPLEMENTAL MATERIAL IS**  
10 **REQUIRED OR ONLY SUGGESTED BY FACULTY; AND**

11                   **2. WHETHER A PREVIOUS EDITION OF AN ASSIGNED**  
12 **COLLEGE TEXTBOOK WILL SUFFICE.**

13                   **(4) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL**  
14 **INFORM A BOOKSTORE THAT MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS**  
15 **SUBSECTION AND STUDENTS OR MEMBERS OF THE PUBLIC WHO ACCESS THE**  
16 **WEBSITE OF THE INSTITUTION UNDER PARAGRAPH (3) OF THIS SUBSECTION IF**  
17 **A COLLEGE TEXTBOOK, SUPPLEMENTAL MATERIAL, OR BUNDLE HAS NOT BEEN**  
18 **FINALIZED BY THE FACULTY MEMBER.**

19                   **(II) IN ADDITION TO THE DISCLOSURE MADE UNDER**  
20 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL PROVIDE A**  
21 **CAVEAT REGARDING THE POTENTIAL CONSEQUENCES OF PURCHASING A**  
22 **COLLEGE TEXTBOOK, SUPPLEMENTAL MATERIAL, OR BUNDLE PRIOR TO THE**  
23 **SELECTION BEING FINALIZED.**

24                   **(H) ON THE REQUEST OF A BOOKSTORE, IF A PUBLIC INSTITUTION OF**  
25 **HIGHER EDUCATION ALLOWS A CAMPUS BOOKSTORE TO:**

26                   **(1) ADVERTISE OR SUBMIT ADVERTISING FOR INCLUSION IN**  
27 **ORIENTATION PACKETS, IN OTHER PRINT MATERIAL, OR ON THE WEBSITE OF**  
28 **THE INSTITUTION, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES**  
29 **TO ADVERTISE OR SUBMIT ADVERTISING FOR THE SAME INCLUSION; AND**

30                   **(2) ACCESS STUDENTS AS PART OF A PRESENTATION OR TOUR**  
31 **FOR A STUDENT GROUP OR A GROUP OF POTENTIAL STUDENTS, THEN THE**  
32 **INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO HAVE THE SAME ACCESS**  
33 **TO STUDENTS.**

34                   **(I) THIS SECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE**  
35 **INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY MEMBERS**



1 INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS AND SUPPLEMENTAL  
2 MATERIAL.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) On or before November 1, 2010, the University System of Maryland, St.  
5 Mary's College of Maryland, Morgan State University, and the Maryland Association  
6 of Community Colleges shall submit reports to the Maryland Higher Education  
7 Commission, including a scientific and data-driven analysis of college textbook prices  
8 at the constituent or member institutions, as appropriate, efforts to lower the cost of  
9 textbooks for their students, and recommendations for statewide policy initiatives that  
10 will further ameliorate the high cost of undergraduate and graduate education as  
11 impacted by textbook prices; and

12 (b) On or before December 1, 2010, the Maryland Higher Education  
13 Commission shall compile the reports required under paragraph (a) of this section and  
14 shall forward a copy of the compilation to the Governor and, in accordance with §  
15 2-1246 of the State Government Article, the General Assembly.

16 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,  
17 2010, each public institution of higher education in the State shall report to the  
18 Governor and, in accordance with § 2-1246 of the State Government Article, the  
19 General Assembly, regarding the "best-practices" process developed under §  
20 15-112(c)(4) of the Education Article, as enacted by Section 1 of this Act.

21 SECTION 4. AND BE IT FURTHER ENACTED, That:

22 (a) On or before December 1, 2011, the Maryland Higher Education  
23 Commission, in consultation with the University System of Maryland, St. Mary's  
24 College of Maryland, Morgan State University, the Maryland Association of  
25 Community Colleges, and the Maryland Independent College and University  
26 Association, shall conduct a feasibility study regarding:

27 (1) the establishment of one or more textbook rental programs in  
28 Maryland that would allow students to lease textbooks on a per book, per credit hour,  
29 or per course basis, including an analysis of start-up costs and funding options such as  
30 private sector donations and grants; and

31 (2) the establishment of a statewide digital marketplace for college  
32 textbooks and supplemental material including:

33 (i) an analysis of the infrastructure, technology, and support  
34 services necessary to allow institutions, students, faculty, bookstores, publishers, and  
35 other stakeholders to interact efficiently; and

36 (ii) a consideration of digital rights management capabilities  
37 and transactional processes needed for both fee-based and no-cost content.

1 (b) On or before December 31, 2011, the Maryland Higher Education  
2 Commission shall submit the results of the feasibility studies conducted under  
3 paragraph (a) of this section and make recommendations regarding textbook rental  
4 programs and the establishment of a digital marketplace including cost estimates to  
5 the Governor and, in accordance with § 2-1246 of the State Government Article, the  
6 General Assembly, based on information gathered under subsection (a) of this section.

7 SECTION 5. AND BE IT FURTHER ENACTED, That:

8 (a) The University System of Maryland, under the direction of the Board of  
9 Regents, shall conduct a study of changes that the University System of Maryland and  
10 its constituent institutions can make to their business models regarding textbook  
11 assignments and textbook purchasing in order to reduce the cost of textbooks to  
12 students while preserving and enhancing the quality of educational materials  
13 available to students. Principles underlying this review shall include:

14 (1) the protection of academic freedom;

15 (2) the promotion of competition among publishers, bookstores, and  
16 other textbook vendors;

17 (3) the empowerment of faculty and students to access information  
18 about options which will strengthen their market power; and

19 (4) the exploration of:

20 (i) alternative approaches used in other universities, states,  
21 and countries;

22 (ii) new technologies; and

23 (iii) legal structures.

24 (b) The study conducted under subsection (a) of this section shall include, but  
25 not be limited to, an exploration of:

26 (1) using the market power of faculty and students to drive down  
27 prices;

28 (2) strategies to increase the use of used textbooks;

29 (3) the creation of textbook rental programs;

30 (4) increasing faculty awareness of textbook costs and options for  
31 reducing textbook costs;

1           (5) minimizing the impact of publishers' "planned obsolescence"  
2 marketing strategies; and

3           (6) cost-effective substitution of content-licensing for textbook  
4 purchasing.

5           (c) On or before December 1, 2010, the University System of Maryland shall  
6 submit to the Board of Regents and, in accordance with § 2-1246 of the State  
7 Government Article, the General Assembly, the results of the study required under  
8 subsection (a) of this section.

9           (d) Nothing contained in this section bars the University System of  
10 Maryland from implementing changes consistent with its intent before December 1,  
11 2010.

12           SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2009.