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Annotated Code of Maryland
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*** CURRENT THROUGH ALL ACTS OF THE 2009 REGULAR SESSION, WITH ANNOTATIONS THROUGH
JULY 15, 2009. ***

EDUCATION
DIVISION III. HIGHER EDUCATION
TITLE 15. PUBLIC INSTITUTIONS OF HIGHER EDUCATION
SUBTITLE 1. GENERAL PROVISIONS

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. EDUCATION Code Ann. § 15-112 (2009)

§ 15-112. Sale of college textbooks

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) (i) "Bookstore" means any entity that offers books or other course materials for sale and is licensed by the Comptroller under Title 11, Subtitle 7 of the Tax - General Article.

(ii) "Bookstore" includes campus bookstores and online vendors.

(3) (i) "Bundle" means one or more college textbooks or other supplemental material that are packaged together to be sold as course materials for one price.

(ii) "Bundle" does not include single, custom, or integrated textbooks.

(4) "Campus bookstore" means a bookstore under the jurisdiction of an institution of higher education.

(5) (i) "Custom textbook" means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education.

(ii) "Custom textbook" includes original instructor material, previously copyrighted material, or copyrighted third-party material.

(iii) "Custom textbook" does not include purely aesthetic changes to a college textbook when compared with a prior edition of a college textbook such as commemorative editions.

(6) "Integrated textbook" means a college textbook that is combined with:

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

(ii) Other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

(7) "ISBN" means the unique International Standard Book Number assigned to college course material that is used by publishers to identify each textbook edition and other course material, including bundles.

(8) "Price" means the price at which the publisher would make the college textbook or supplemental material available to a bookstore and, if available, the price at which the publisher would make the college textbook or supplemental material available to the public.

(9) "Substantial content" means a part of a college textbook, such as new chapters, new material covering additional eras of time, new themes, or new subject matter.

(10) (i) "Supplemental material" means educational material developed to accompany a college textbook that is not being used as a component of an integrated textbook.

(ii) "Supplemental material" includes printed materials and electronic materials such as computer disks and web access codes.

(11) "Textbook" includes custom textbooks to the maximum extent practicable.

(b) Section not applicable to overseas programs. -- This section does not apply to the overseas programs of the University of Maryland University College.

(c) Informational campaign and procedure. -- Each public institution of higher education in the State shall develop and implement:

(1) An informational campaign to assist faculty and make them aware of textbook-related issues, including:

(i) The price of college textbooks and of supplemental material;

(ii) The existence of variances in price of bundled and unbundled course materials;

(iii) Substantial content revisions made between the current edition of a college textbook or supplemental material and the previous edition of the college textbook or supplemental material as reported to the institution under subsection (e) of this section;

(iv) Which textbooks are integrated textbooks and are therefore not subject to subsection (f)(3) of this section, as reported by the publisher under subsection (e) of this section; and

(v) The fiscal impact to students of the high cost of college textbooks;

(2) A procedure by which bookstores and students are made aware of the information required to be disclosed under subsection (g) of this section; and

(3) A best-practices process for faculty in selecting college textbooks and supplemental material that:

(i) Ensures early adoption of college textbooks and supplemental material;

(ii) Encourages the maximum usage of used college textbooks and of previous editions of college textbooks, when possible;

(iii) For undergraduate college textbooks, ensures that the majority of the assigned material will be used in the course unless it would be in the student's financial interest to purchase separate materials; and

(iv) Ensures that faculty are aware of various outlets for the supply of college textbooks and supplemental material.

(d) Acknowledgment of information upon selecting textbook. --

(1) Each public institution of higher education shall develop a process by which faculty members acknowledge the information under paragraph (2) of this subsection.

(2) Before selecting a college textbook or supplemental material and before transmitting the selection to a campus bookstore, providing the selection to any other bookstore, or posting the selection on the website of the public institution of higher education, a faculty member shall acknowledge:

(i) 1. If selecting a different college textbook from a different publisher, the cost of the new selection versus the cost of the previous selection; or

2. If selecting a current edition of a college textbook:

A. The differences in substantial content between the current edition of the textbook and the previous edition of the textbook as reported by the publisher under subsection (e) of this section;

B. That the use of the current edition is appropriate due to a material change in substantial content between the current edition and the previous edition;

C. The difference in price between the current edition of the textbook and the previous edition of the textbook; and

D. That the previous edition of the textbook may be available to students at a lower price via the used book market;

(ii) That an integrated textbook is not subject to subsection (f)(3) of this section; and

(iii) That supplemental material included in a bundle is intended for use in the course.

(e) Disclosure of information by publisher; acknowledgment. --

(1) A publisher that sells college textbooks or supplemental material and provides information regarding a college textbook or supplemental material to a faculty member, other adopting entity in charge of selecting course materials, or the administration of an institution of higher education shall disclose with this information, in writing, by paper or electronic means:

(i) The price of the college textbook or supplemental material;

(ii) The title, author, publisher, edition, current and three previous copyright dates, publication date when available, and ISBN of the college textbook and supplemental material, both as bundled and unbundled items;

(iii) Substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition of the college textbook or supplemental material;

(iv) Other available formats for the college textbook or supplemental material such as paperback or unbound; and

(v) A list of textbooks that are classified as integrated textbooks.

(2) Each institution of higher education in the State shall develop a process by which faculty members acknowledge having been informed of the disclosures required under paragraph (1) of this subsection and the impact that the high cost of college textbooks and supplemental material has on students.

(f) General provisions regarding sale of college textbooks. --

(1) Except as provided in paragraph (4) of this subsection, a publisher and a campus bookstore shall provide and sell college textbooks and supplemental material in the same manner as selected and ordered by faculty members.

(2) (i) If a college textbook or supplemental material is unavailable as ordered, the publisher and the campus bookstore shall work with the faculty member to find alternatives.

(ii) A publisher collaborating with a campus bookstore and a faculty member under subparagraph (i) of this paragraph shall provide price information for alternative college textbooks and supplemental material.

(3) A publisher that sells a college textbook and any supplemental material accompanying the college textbook in a bundle shall also make available the college textbook and the supplemental material as separate and unbundled items, each separately priced.

(4) With the permission of a faculty member, a campus bookstore may sell college textbooks and supplemental material in a different manner than as selected and ordered by the faculty member for the purpose of providing used college textbooks, prior editions, or other lower-cost options to students.

(g) Timing of providing certain information to bookstore, students and public. --

(1) (i) Subject to subparagraph (ii) of this paragraph, on the request of a bookstore, an institution of higher education shall provide the information listed under paragraph (3) of this subsection to a bookstore by the earlier of:

1. Within 1 week of a faculty member's selection of a college textbook or supplemental material and transmission to a campus bookstore; or

2. When the selection by a faculty member of a college textbook or supplemental material is finalized.

(ii) A bookstore that obtains information under subparagraph (i)1 of this paragraph may not make the information available to students or members of the public until the information is made available to the bookstore in accordance with paragraph (2) of this subsection.

(2) (i) An institution of higher education shall make the information listed under paragraph (3) of this subsection available to bookstores, students, and the rest of the public by posting the information on its website by the earlier of:

1. Subject to paragraphs (4) and (5) of this subsection, 3 weeks following the selection by a faculty member of a college textbook or supplemental material; or

2. When the selection by a faculty member of a college textbook or supplemental material is finalized.

(ii) In addition to the information posted under subparagraph (i) of this paragraph, an institution shall post on its website:

1. Whether supplemental material is required or only suggested by faculty; and

2. Whether a previous edition of an assigned college textbook will suffice.

(3) The information made available under paragraphs (1) and (2) of this subsection shall include the:

- (i) Title;
- (ii) Author;
- (iii) Publisher;
- (iv) Edition;
- (v) Copyright date and publication date, when available;
- (vi) ISBN; and
- (vii) Anticipated enrollment for the course.

(4) (i) An institution of higher education shall inform a bookstore, students, or members of the public who access the website of the institution under paragraph (2) of this subsection if the selection of the particular college textbook, supplemental material, or bundle has not been finalized by the faculty member.

(ii) In addition to the disclosure made under subparagraph (i) of this paragraph, an institution, campus bookstore, or other bookstore that offers a college textbook or supplemental material for sale prior to the selection being finalized shall provide:

1. A caveat regarding the potential consequences of purchasing the particular college textbook, supplemental material, or bundle prior to the selection being finalized; and
2. The return policy of the campus bookstore or other bookstore, as appropriate.

(5) (i) Notwithstanding paragraphs (1) and (2) of this subsection, upon request to an institution, an extension of time may be granted to a faculty member from the requirement to post the selection of a college textbook or supplemental material prior to the selection being finalized.

(ii) The extension granted under subparagraph (i) of this paragraph shall be approved by the faculty Department Chair and the Dean or Division Head of the institution.

(iii) The extension shall include a written statement of explanation for the extension.

(iv) An institution shall post the written statement on its website instead of the selection, as appropriate.

(h) Promotion of sale of commemorative editions prohibited. -- A public institution of higher education may not encourage or promote the creation or sale of college textbooks that consist of purely aesthetic changes to a prior edition of a college textbook such as a commemorative edition.

(i) Construction. -- This section may not be construed to supersede the institutional autonomy or academic freedom of faculty members involved in the selection of college textbooks and supplemental material.

HISTORY: 2009, chs. 520, 521.

NOTES: EDITOR'S NOTE. --Section 4, chs. 520 and 521, Acts 2009, provides that the act shall take effect July 1, 2009.