Sponsored by:
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District 20 (Union)

SYNOPSIS
Requires textbook publishers to provide public institutions of higher education with information on price and availability of textbooks.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the selection of textbooks at public institutions of higher education and supplementing chapter 62 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the “Textbook Access Act.”

2. The Legislature finds and declares that:
   a. The cost of attending a public institution of higher education continues to increase and many New Jersey students and their families find it difficult to afford the textbooks and materials that students are required to purchase for their courses;
   b. It must be the policy of the State that public institutions of higher education work to identify ways to reduce student expenditures on textbooks and course materials;
   c. Textbooks and course materials have become increasingly complex due to the diversity of the student population and advances in pedagogy and learning technologies, and it is necessary to ensure that students receive fair value for the textbooks and course materials they purchase;
   d. Textbook publishers often “bundle” or package required textbooks with additional instructional materials, such as CD-ROMs and workbooks; and,
   e. Promoting open and transparent marketing, choice, pricing, and purchasing of textbooks and course materials may provide significant savings to students over their college careers.

3. As used in this act:
   “Adopter” means a faculty member or academic department at a public institution of higher education responsible for considering and choosing textbooks and supplemental materials to be utilized in connection with the accredited courses taught at the institution;
   “Product” means all versions of a textbook or set of textbooks, except custom textbooks or special editions of textbooks, available in the subject area for which a prospective adopter is teaching a course, including supplemental materials, both when sold together or separately from a textbook;
   “Public institution of higher education” means Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, Montclair State University, the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, the county colleges and any other public university or college now or hereafter established or authorized by State law;
“Supplemental materials” means items that supplement the primary textbook or textbooks that come in the form of another book, on-line technologies, a workbook, CD-ROM, or any other format, and that can be used by a faculty member or a student during the teaching of a course.

4. A publisher of textbooks shall make available with any other information provided to a prospective adopter the price at which the publisher would make the product available to the college bookstore that would offer the product to the students. The publisher shall disclose to the adopter when unbundled textbooks are available in the same edition as the bundled textbooks.

5. Textbooks shall be sold in the same manner as ordered by the adopter. In the event that the product is unavailable as ordered, the bookstore, adopter, and relevant publisher shall work together to provide the best possible substitute that most closely matches the requested product, and the publisher shall make readily available the price of the substitute.

6. The governing board of a public institution of higher education shall institute policies that encourage an adopter to place purchasing orders with sufficient time to enable the institution or college bookstore to confirm the availability of the requested product and, when appropriate, the availability of used textbooks or alternative digital formats.

7. No employee of a public institution of higher education shall demand or receive any payment, loan, advance, goods, or deposit of money for adopting specific products for coursework or instruction; except that the employee may receive sample copies, instructor’s copies, or instructional materials that are not to be sold, or royalties or other compensation from sales of textbooks that include the instructor’s own writing or work in accordance with the “New Jersey Conflicts of Interest Law,” P.L.1971, c.282 (C.52:13D-12 et seq.) and regulations promulgated thereto.

8. This act shall take effect immediately

STATEMENT

This bill requires textbook publishers to provide to the faculty members or academic departments at public institutions of higher education responsible for selecting textbooks the price at which the publisher would make the product available to the college bookstore. The bill also requires publishers to disclose when unbundled textbooks are available in the same edition as the
bundled textbooks. Bundling refers to the practice of packaging required textbooks with additional instructional materials, such as CD-ROMs and workbooks.

Under the bill, the governing board of the institution is required to institute policies that encourage faculty members to place purchasing orders in sufficient time to enable the institution or bookstore to confirm the availability of the requested materials and, when appropriate, the availability of used textbooks or alternative digital formats.

The bill provides that textbooks must be sold in the same manner as ordered. In the event that the product is unavailable as ordered, the bookstore, faculty member, and relevant publisher are required to work together to provide the best possible substitute that most closely matches the requested product, and the publisher must make available the price of the substitute.

The bill also provides that no employee of a public institution of higher education may demand or receive any payment, loan, advance, goods, or deposit of money for adopting specific course materials required for coursework or instruction.

The cost of attending public institutions of higher education continues to increase and many New Jersey students and their families find it difficult to afford the textbooks and materials that students are required to purchase for their courses. The purpose of this bill is to promote open and transparent marketing, pricing and purchasing of textbooks to provide savings to students.