

ASSEMBLY, No. 3681

STATE OF NEW JERSEY 218th LEGISLATURE

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Sponsored by:

Assemblywoman ANNETTE QUIJANO

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.



1 AN ACT concerning the selection of textbooks at public institutions
2 of higher education and supplementing chapter 62 of Title 18A
3 of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Textbook
9 Access Act.”

10
11 2. The Legislature finds and declares that:

12 a. The cost of attending a public institution of higher education
13 continues to increase and many New Jersey students and their
14 families find it difficult to afford the textbooks and materials that
15 students are required to purchase for their courses;

16 b. It must be the policy of the State that public institutions of
17 higher education work to identify ways to reduce student
18 expenditures on textbooks and course materials;

19 c. Textbooks and course materials have become increasingly
20 complex due to the diversity of the student population and advances
21 in pedagogy and learning technologies, and it is necessary to ensure
22 that students receive fair value for the textbooks and course
23 materials they purchase;

24 d. Textbook publishers often “bundle” or package required
25 textbooks with additional instructional materials, such as CD-ROMs
26 and workbooks; and,

27 e. Promoting open and transparent marketing, choice, pricing,
28 and purchasing of textbooks and course materials may provide
29 significant savings to students over their college careers.

30
31 3. As used in this act:

32 “Adopter” means a faculty member or academic department at a
33 public institution of higher education responsible for considering
34 and choosing textbooks and supplemental materials to be utilized in
35 connection with the accredited courses taught at the institution;

36 “Product” means all versions of a textbook or set of textbooks,
37 except custom textbooks or special editions of textbooks, available
38 in the subject area for which a prospective adopter is teaching a
39 course, including supplemental materials, both when sold together
40 or separately from a textbook;

41 “Public institution of higher education” means Rutgers, The
42 State University, the New Jersey Institute of Technology, Rowan
43 University, Montclair State University, the State colleges or
44 universities established pursuant to chapter 64 of Title 18A of the
45 New Jersey Statutes, the county colleges and any other public
46 university or college now or hereafter established or authorized by
47 State law;

1 “Supplemental materials” means items that supplement the
2 primary textbook or textbooks that come in the form of another
3 book, on-line technologies, a workbook, CD-ROM, or any other
4 format, and that can be used by a faculty member or a student
5 during the teaching of a course.

6
7 4. A publisher of textbooks shall make available with any other
8 information provided to a prospective adopter the price at which the
9 publisher would make the product available to the college bookstore
10 that would offer the product to the students. The publisher shall
11 disclose to the adopter when unbundled textbooks are available in
12 the same edition as the bundled textbooks.

13
14 5. Textbooks shall be sold in the same manner as ordered by
15 the adopter. In the event that the product is unavailable as ordered,
16 the bookstore, adopter, and relevant publisher shall work together to
17 provide the best possible substitute that most closely matches the
18 requested product, and the publisher shall make readily available
19 the price of the substitute.

20
21 6. The governing board of a public institution of higher
22 education shall institute policies that encourage an adopter to place
23 purchasing orders with sufficient time to enable the institution or
24 college bookstore to confirm the availability of the requested
25 product and, when appropriate, the availability of used textbooks or
26 alternative digital formats.

27
28 7. No employee of a public institution of higher education shall
29 demand or receive any payment, loan, advance, goods, or deposit of
30 money for adopting specific products for coursework or instruction;
31 except that the employee may receive sample copies, instructor’s
32 copies, or instructional materials that are not to be sold, or royalties
33 or other compensation from sales of textbooks that include the
34 instructor’s own writing or work in accordance with the “New
35 Jersey Conflicts of Interest Law,” P.L.1971, c.282 (C.52:13D-12 et
36 seq.) and regulations promulgated thereto.

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38 8. This act shall take effect immediately
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41 STATEMENT
42

43 This bill requires textbook publishers to provide to the faculty
44 members or academic departments at public institutions of higher
45 education responsible for selecting textbooks the price at which the
46 publisher would make the product available to the college
47 bookstore. The bill also requires publishers to disclose when
48 unbundled textbooks are available in the same edition as the

1 bundled textbooks. Bundling refers to the practice of packaging
2 required textbooks with additional instructional materials, such as
3 CD-ROMs and workbooks.

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

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

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

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