

REFERENCE TITLE: college textbooks; information

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1175

Introduced by
Senator O'Halleran; Representatives Burns J, Lujan, Schapira; Senator
Pesquiera; Representatives Anderson, Campbell CH, Gallardo, Thrasher,
Tobin

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9;
RELATING TO UNIVERSITIES AND COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is amended
3 by adding article 9, to read:

4 ARTICLE 9. COLLEGE TEXTBOOK INFORMATION

5 15-1891. College textbooks; information; definitions

6 A. THE PUBLISHER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIALS FOR
7 COLLEGE COURSES SHALL PROVIDE THE FOLLOWING WRITTEN INFORMATION TO FACULTY
8 MEMBERS AND ANY OTHER PERSONS WHO ARE IN CHARGE OF SELECTING COURSE MATERIALS
9 FOR A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A
10 COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN
11 THIS STATE WHENEVER THE PUBLISHER PROVIDES A FACULTY MEMBER OR OTHER PERSON
12 WITH INFORMATION ABOUT TEXTBOOKS:

13 1. THE SUGGESTED RETAIL PRICE AND WHOLESALE PRICE OF THE TEXTBOOK OR
14 OTHER SUPPLEMENTAL MATERIAL.

15 2. THE COPYRIGHT DATES OF ANY PREVIOUS EDITIONS OF THE SAME TEXTBOOK
16 OR THE SAME SUPPLEMENTAL MATERIALS WHENEVER THE PUBLISHER PROVIDES A FACULTY
17 MEMBER OR OTHER PERSON WITH INFORMATION ABOUT TEXTBOOKS.

18 3. A SUMMARY OF THE SUBSTANTIVE CONTENT DIFFERENCES BETWEEN THE
19 CURRENT EDITION OF THE TEXTBOOK OR SUPPLEMENTAL MATERIALS AND THE IMMEDIATE
20 PRIOR EDITION.

21 4. WHETHER THE TEXTBOOK OR SUPPLEMENTAL MATERIALS ARE AVAILABLE IN ANY
22 OTHER FORMAT, INCLUDING PAPERBACK OR UNBOUND EDITIONS, AND THE SUGGESTED
23 RETAIL PRICE AND WHOLESALE PRICE OF THE TEXTBOOK OR SUPPLEMENTAL MATERIALS IN
24 THE OTHER FORMATS.

25 B. IF A PUBLISHER OFFERS A TEXTBOOK THAT IS BUNDLED WITH SUPPLEMENTAL
26 MATERIALS, THE PUBLISHER SHALL ALSO OFFER THE TEXTBOOK AND THE SUPPLEMENTAL
27 MATERIALS SEPARATELY.

28 C. IF A FACULTY MEMBER AND A PUBLISHER CREATE A CUSTOM TEXTBOOK, THE
29 PUBLISHER SHALL PROVIDE THE SUGGESTED RETAIL PRICE AND THE WHOLESALE PRICE OF
30 THAT CUSTOM TEXTBOOK TO FACULTY MEMBERS AND ANY OTHER PERSONS WHO ARE IN
31 CHARGE OF SELECTING COURSE MATERIALS.

32 D. SUBSECTIONS A AND B APPLY TO CUSTOM TEXTBOOKS TO THE GREATEST
33 EXTENT PRACTICABLE.

34 E. THIS SECTION SHALL NOT BE CONSTRUED IN A MANNER THAT VIOLATES
35 ACADEMIC FREEDOM.

36 F. FOR THE PURPOSES OF THIS SECTION:

37 1. "BUNDLED" MEANS ONE OR MORE COLLEGE TEXTBOOKS OR OTHER SUPPLEMENTAL
38 LEARNING MATERIALS THAT ARE PACKAGED TOGETHER TO BE SOLD AS COURSE MATERIALS
39 FOR A SINGLE PRICE.

40 2. "COLLEGE TEXTBOOK" MEANS A TEXTBOOK OR A SET OF TEXTBOOKS USED FOR
41 OR IN CONJUNCTION WITH A COURSE IN A UNIVERSITY UNDER THE JURISDICTION OF THE
42 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
43 COMMUNITY COLLEGE DISTRICT IN THIS STATE.

44 3. "CUSTOM TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS COMPILED AT THE
45 DIRECTION OF A FACULTY MEMBER OR ANY OTHER PERSON OR ENTITY IN CHARGE OF

1 SELECTING COURSE MATERIALS AT A UNIVERSITY UNDER THE JURISDICTION OF THE
2 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
3 COMMUNITY COLLEGE DISTRICT IN THIS STATE, INCLUDING SELECTIONS FROM ORIGINAL
4 INSTRUCTOR MATERIALS, PREVIOUSLY COPYRIGHTED PUBLISHER MATERIALS, COPYRIGHTED
5 THIRD-PARTY WORKS AND ELEMENTS THAT ARE UNIQUE TO A SPECIFIC EDUCATIONAL
6 INSTITUTION SUCH AS COMMEMORATIVE EDITIONS.

7 4. "INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS COMBINED
8 WITH MATERIALS DEVELOPED BY A THIRD PARTY THAT, BY THIRD-PARTY CONTRACTUAL
9 AGREEMENTS, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE
10 TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED.

11 5. "PUBLISHER" MEANS A PUBLISHER OF COLLEGE TEXTBOOKS OR SUPPLEMENTAL
12 MATERIALS THAT IS INVOLVED IN OR AFFECTING INTERSTATE COMMERCE.

13 6. "SUBSTANTIVE CONTENT" MEANS PORTIONS OF A COLLEGE TEXTBOOK,
14 INCLUDING NEW CHAPTERS, ADDITIONAL ERAS OF TIME, NEW THEMES OR NEW SUBJECT
15 MATTER.

16 7. "SUPPLEMENTAL MATERIALS" MEANS EDUCATIONAL MATERIAL THAT IS
17 DEVELOPED TO ACCOMPANY A COLLEGE TEXTBOOK, INCLUDING PRINTED MATERIALS,
18 COMPUTER DISKS, WEBSITE ACCESS AND ELECTRONICALLY DISTRIBUTED MATERIALS, AND
19 THAT IS NOT BOUND BY THIRD-PARTY CONTRACTUAL AGREEMENTS TO BE SOLD IN AN
20 INTEGRATED TEXTBOOK.

21 8. "WHOLESALE PRICE" MEANS THE PRICE AT WHICH THE PUBLISHER MAKES OR
22 WOULD MAKE THE TEXTBOOK OR SUPPLEMENTARY MATERIAL AVAILABLE TO A BOOKSTORE ON
23 THE CAMPUS OF A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
24 REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE
25 DISTRICT IN THIS STATE.