

AN ACT to amend the education law, in relation to enacting the "textbook access act"

Became a law **August 5, 2008**, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Legislative intent. It is the policy of the state that any institution of higher education receiving money from the state shall work to identify ways to reduce student expenditures on course materials, thereby making college more affordable. Course materials have become increasingly complex due to the diversity of the student population and its needs, and advances in pedagogy and learning technologies. The legislature, realizing the integral role colleges and universities play in our society, believes it is necessary to help ensure students are receiving fair value for the course materials they purchase. Therefore, the purpose of this act is to promote open and transparent marketing, choice, pricing and purchasing of course materials.

§ 2. Short title. This act shall be known and may be cited as the "textbook access act".

§ 3. The education law is amended by adding a new article 15-C to read as follows:

**ARTICLE 15-C**  
**TEXTBOOK ACCESS ACT**

**Section 720. Definitions.**

**721. Pricing transparency.**

**722. Sales of textbooks, textbook bundles.**

**723. Special role of faculties in adoptions.**

**724. Policies addressing course material adoptions and sample materials.**

**§ 720. Definitions.** As used in this article, the following terms shall have the following meanings:

**1. "Bundled" means a textbook and any other learning material, including, but not limited to, workbooks, online technologies, dictionaries, CD-ROMS, or books, packaged together to be sold for one price.**

**2. "Institution of higher education" means any institution of higher education, recognized and approved by the regents of the university of the state of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma.**

**3. "Publisher" means any publishing house, publishing firm, or publishing company that publishes textbooks and supplemental materials.**

**4. "Textbook" means any textbook that is adopted for a course, as determined by the faculty member or members or entity charged with choosing that textbook.**

**5. "Supplemental materials" means materials that supplement the primary textbook or textbooks that come in the form of another book, online**

EXPLANATION--Matter in italics is new; matter in brackets [ ] is old law to be omitted.

CHAP. 433

2

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.

6. "Adopter" means any faculty member or academic department at institutions of higher learning responsible for considering and choosing textbooks and/or supplemental materials to be utilized in connection with the accredited courses taught at institutions of higher education.

§ 721. Pricing transparency. 1. To ensure pricing transparency, all publishers of college textbooks shall, on request, make readily available to prospective adopters of their products who are members of the faculties or purchasing entities of institutions of higher education the price at which the publisher would make the products available to the college bookstore that would offer the products to students.

2. For purposes of this section, the term "products" 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.

§ 722. Sales of textbooks, textbook bundles. Textbooks shall be sold in the same manner as ordered by such faculty member or entity in charge of selecting textbooks for courses. In the event such product is unavailable as ordered, the bookstore, faculty, and relevant publisher shall work together to provide the best possible substitute that most closely matches the requested item or items, and the publisher shall make available the price of such substitute or substitutes readily available.

§ 723. Special role of faculties in adoptions. Each institution of higher education shall institute policies that encourage faculty members or the entity in charge of textbook adoptions to place their orders with sufficient lead-time to enable the university, or contract-managed, bookstore to confirm the availability of the requested materials and, when appropriate, the availability of used textbooks or alternate digital formats.

§ 724. Policies addressing course material adoptions and sample materials. No employee at an institution of higher education shall demand or receive any payment, loan, advance, goods, or deposit of money, present or promised, for adopting specific course materials required for course work or instruction; with the exception that the employee may receive:

1. sample copies, instructor's copies, or instructional material, that are not to be sold;

2. royalties or other compensation from sales of textbooks that include such instructor's own writing or work;

3. honoraria for academic peer review of course materials; or

4. training in the use of course materials and learning technologies.

§ 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

SHELDON SILVER

Temporary President of the Senate

Speaker of the Assembly