

Senate Bill No. 1539

Passed the Senate May 3, 2012

Secretary of the Senate

Passed the Assembly July 2, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 66407 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1539, Corbett. Postsecondary education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the higher education system in the state. These segments include the 3 public segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent institutions of higher education constitute the other segment. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that postsecondary education students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to work with the academic senates of each respective segment to encourage faculty to give consideration to the least costly practices in assigning textbooks, to encourage faculty to disclose to students how new editions of textbooks are different from previous editions and the cost to students for textbooks selected, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective

academic senates and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would require the publisher, as defined, of a textbook, or an agent or employee of the publisher, to provide prescribed data about the textbook to prospective purchasers, including a list of the products, as defined, offered for sale by the publisher germane to the prospective purchaser's subject area of interest, the wholesale or retail price of the product, the estimated length of time the publisher intends to keep the product on the market, and, for each new edition of the product, a list of the substantial content differences between the new edition and the previous edition of the textbook.

The people of the State of California do enact as follows:

SECTION 1. Section 66407 is added to the Education Code, to read:

66407. (a) (1) The publisher of a textbook, or an agent or employee of the publisher, shall provide a prospective purchaser of the textbook with all of the following:

(A) A list of all the products offered for sale by the publisher germane to the prospective purchaser's subject area of interest.

(B) For a product listed pursuant to subparagraph (A), the wholesale or retail price of the product, and the estimated length of time the publisher intends to keep the product on the market.

(C) For each new edition of a product listed pursuant to paragraph (1), a list of the substantial content differences or changes between the new edition and the previous edition of the textbook.

(2) The publisher shall make the lists required by paragraph (1) available to a prospective purchaser at the commencement of a sales interaction, including, but not necessarily limited to, a sales interaction conducted in person, by telephone, or electronically. The publisher shall also post in a prominent position on its Internet Web site the lists required by paragraph (1).

(b) As used in this section, the following terms have the following meanings:

(1) "Product" means each version, including, but not necessarily limited to, a version in a digital format, of a textbook, or set of textbooks, in a particular subject area, including, but not necessarily

limited to, a supplemental item, whether or not the supplemental item is sold separately or together with a textbook.

(2) “Publisher” has the same meaning as defined in subdivision (b) of Section 66406.7.

(3) “Purchaser” means a faculty member of a public or private postsecondary educational institution who selects the textbooks assigned to students.

(4) “Textbook” has the same meaning as defined in subdivision (b) of Section 66406.7.

Approved _____, 2012

Governor