

H.B. No. 33

AN ACT

relating to measures to increase the affordability of textbooks used for courses at public or private institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.

1                   (A) an institution of higher education as defined  
2 by Section 61.003; or

3                   (B) a private or independent institution of  
4 higher education as defined by Section 61.003.

5                   (5) "Supplemental material," with respect to a  
6 textbook, means instructional material developed to accompany the  
7 textbook, including printed materials, computer disks, website  
8 access, and electronically distributed materials, other than  
9 material that is part of an integrated textbook.

10                  (6) "Textbook" means a book published primarily for  
11 instruction in connection with a particular course or courses  
12 offered to postsecondary students by an institution of higher  
13 education. The term includes any edition of a textbook or set of  
14 textbooks and any item considered supplemental specifically to the  
15 textbook, regardless of whether the textbook and supplemental item  
16 are sold together or separately.

17                  (7) "Textbook bundle" means a textbook that is  
18 combined with other instructional material, such as another  
19 textbook or additional printed material, a computer disk, website  
20 access, or electronically distributed material, and that is  
21 packaged or otherwise offered for sale with that instructional  
22 material at a single price. The term does not include a textbook  
23 that is combined with other instructional material if that material  
24 in its entirety is:

25                   (A) required to be offered for sale with or as  
26 part of the textbook, according to a third-party contractual  
27 agreement; or

(B) interrelated with the content of the textbook  
to such a degree that any separation of the material from the  
textbook would render the textbook unusable for its intended  
purpose.

Sec. 51.452.

---

bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

(b) An institution of higher education is not required to

---

( 1 )

---

1 matter;

2 (4) information as to whether the textbook or  
3 supplemental material is available in other formats, such as a  
4 paperback or unbound version; and

5 (5) the price at which the publisher would make the  
6 textbook or supplemental material in any alternative format  
7 available to a bookstore described by Subdivision (1) and, if  
8 applicable, to the public.

9 (b) A textbook publisher shall comply with this section with  
10 respect to a custom textbook only to the extent reasonably  
11 practicable.

12 Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that  
13 offers a textbook bundle for sale directly to students enrolled at  
14 an institution of higher education or, for resale purposes, to a  
15 college bookstore or other bookstore that generally serves the  
16 students of the institution shall also offer for sale to the  
17 students or bookstore, as applicable, each individual item of  
18 instructional material as a separate, unbundled item that is  
19 separately priced.

20 SECTION 2. Subchapter I, Chapter 51, Education Code, as  
21 added by this Act, applies beginning with the 2012 fall semester.

22 SECTION 3. This Act takes effect September 1, 2011.

-----

President of the Senate

-----

Speaker of the House

I certify that H.B. No. 33 was passed by the House on April 15, 2011, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

-----

Chief Clerk of the House

I certify that H.B. No. 33 was passed by the Senate on May 23, 2011, by the following vote: Yeas 31, Nays 0.

-----

Secretary of the Senate

APPROVED: -----

Date

-----

Governor