

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/6/07
A Bill

SENATE BILL 22

5 By: Senators Madison, *Salmon*
6 By: Representatives Harrelson, Greenberg, Burris
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9 **For An Act To Be Entitled**

10 *AN ACT TO REGULATE THE SELECTION AND USE OF*
11 *TEXTBOOKS AND COURSE MATERIALS AT STATE-SUPPORTED*
12 *INSTITUTIONS OF HIGHER EDUCATION; TO MINIMIZE THE*
13 *COST OF TEXTBOOKS AND COURSE MATERIALS; AND FOR*
14 *OTHER PURPOSES.*

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16 **Subtitle**

17 *TO REGULATE THE SELECTION AND USE OF*
18 *TEXTBOOKS AND COURSE MATERIALS AND TO*
19 *MINIMIZE THE COST OF TEXTBOOKS AND*
20 *COURSE MATERIALS AT STATE-SUPPORTED*
21 *INSTITUTIONS OF HIGHER EDUCATION.*

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an
27 additional subchapter to read as follows:
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29 Subchapter 6 – Textbooks and course materials

30 6-60-601. Selection and use of textbooks and course materials.

31 (a) A state-supported institution of higher education in this state
32 shall establish and implement policies, procedures, and guidelines for the
33 selection and use of textbooks and course materials that encourage efforts to
34 minimize the cost of textbooks and course materials for students while
35 maintaining the quality of education and academic freedom.

36 (b) The policies, procedures, and guidelines described in subsection



1 (a) of this section shall require that:

2 (1) Textbook and course material selections are made with
3 sufficient lead time to permit bookstores to:

4 (A) Confirm the availability of the selected textbooks and
5 materials; and

6 (B) Ensure the maximum availability of used textbooks;

7 (2)(A) Before the selection is finalized, the appropriate
8 faculty member affirmatively confirms his or her intent to use all items
9 ordered, including all items sold as part of a bundled package.

10 (B) The faculty member may not select a bundled package
11 if the individual items would cost less if purchased separately; and

12 (3) The appropriate faculty member affirmatively acknowledges:

13 (A) The quoted retail price for each textbook or course
14 material he or she selects; and

15 (B) That the selected textbook or course material is
16 necessary to teach the course.

17 (c)(1) As used in this section, "bundled package" means any
18 combination of one (1) or more reusable textbooks and one (1) or more non-
19 reusable textbooks, workbooks, CD-ROMs, floppy disks, passwords, interactive
20 hand-held remote devices, flash drives, or any other memory-storing device as
21 a package for sale.

22 (2) No state-supported institution of higher education in this
23 state shall select or use for instruction a bundled package if:

24 (A) Any component of the package is not offered for sale
25 individually; and

26 (B) The cost of purchasing the items packaged together as
27 one (1) purchase equals or exceeds the cost of purchasing the items
28 individually.

29 (3) Before a bundled package is adopted the publisher:

30 (A) Must disclose the cost of:

31 (i) Each component of the bundle; and

32 (ii) The bundled package; and

33 (B) Acknowledge that retailers will be able to purchase
34 the individual and bundled items at the stated costs.

35 (d) A violation of this section:

36 (1) Shall be reported within ten (10) business days by the

1 state-supported institution of higher education to the:
2 (A) Chief academic officer of the institution;
3 (B) Chief legal counsel of the institution; and
4 (C) Legislative Council; and
5 (2) May be reported to the parties identified in subdivision
6 (d)(1) of this section by any business or consumer.

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/s/ Madison