

HIGHER EDUCATION TEXTBOOK FAIRNESS ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred C. Cox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 53B, State System of Higher Education, by requiring institutions of higher learning to solicit bids for textbooks or similar materials.

Highlighted Provisions:

This bill:

- ▶ requires an institution of higher learning to solicit bids from publishers before assigning a textbook or other written material to students; and
- ▶ requires that if the institution selects a textbook or other written material that is not the cheapest submitted price, the institution explain its reasoning for the selection on the institution's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2012.

Utah Code Sections Affected:

ENACTS:

53B-24-101, Utah Code Annotated 1953

53B-24-102, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 53B-24-101 is enacted to read:

29 CHAPTER 24. HIGHER EDUCATION TEXTBOOK FAIRNESS ACT

30 53B-24-101. Title.

31 This chapter is known as the "Higher Education Textbook Fairness Act."

32 Section 2. Section 53B-24-102 is enacted to read:

33 53B-24-102. Required bidding process.

34 (1) Before an institution of higher learning may require a student to buy a particular
35 book, document, or written materials for a class, the institution is required to solicit bids from
36 publishers for comparable books, documents, or written materials on the same subject, if the
37 books, documents, or written materials:

- 38 (a) (i) are sold by only one publisher; or
- 39 (ii) are authored or prepared by a professor at the institution; and
- 40 (b) the retail price of the book, document, or written materials is greater than \$35.

41 (2) If the institution does not receive more than one bid, the institution shall:

- 42 (a) select the only bid that was submitted; or
- 43 (b) subject to the requirements of Subsection (3), select any book that will fill the
44 institution's needs.

45 (3) If an institution of higher learning selects a textbook from a publisher that did not
46 submit the lowest bid, the institution shall provide its reasoning for the selection in a
47 memoranda made publicly available on the institution's website.

48 Section 3. Effective date.

49 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 2-23-11 3:05 PM

Office of Legislative Research and General Counsel