

As Introduced

131st General Assembly

Regular Session

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H. B. No. 160

Representative DeVitis

**Cosponsors: Representatives Becker, Hood, Brenner, Butler, Blessing, Kraus,
Antani, Terhar, Phillips**

A BILL

To enact section 3345.37 of the Revised Code with
regard to the selection, availability, and
purchase of textbooks that are required for a
course offered by any state institution of
higher education.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3345.37 of the Revised Code be
enacted to read as follows:

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Sec. 3345.37. (A) For purposes of this section:

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(1) "State institution of higher education" has the same
meaning as in section 3345.011 of the Revised Code.

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(2) "Proprietary textbook" means a textbook that is used,
produced, or marketed under exclusive legal right of any state
institution of higher education or of a faculty member of any
state institution of higher education, and for which the faculty
member or institution earns royalties or other financial benefit
upon the textbook's purchase.

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upon the textbook's purchase.

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(3) "Customized textbook" means any customized educational material, any combination of original manuscripts, published journal articles, book excerpts, photographs, or illustrations, including, but not limited to, course instructional materials authored in part by the faculty member who assigned the textbook. 18
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(4) A course of instruction is "exclusively offered" by a state institution of higher education when the subject matter of the course is discrete, unique, and not offered by any other state institution of higher education in the same or substantially similar format or manner. A course of instruction is not "exclusively offered" by a state institution of higher education when the course is transferable as determined by the chancellor of the Ohio board of regents or as provided for in policies, procedures, or agreements adopted or entered into under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 24
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(B)(1) No state institution of higher education shall produce, publish, or require a student to purchase a proprietary or customized textbook unless that textbook is required for a course of instruction that is exclusively offered by the institution. 35
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(2) No faculty member of a state institution of higher education shall require a student to purchase a proprietary textbook or a customized textbook for use in that faculty member's course of instruction unless the course of instruction is exclusively offered by the institution. 40
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(C) If a student is required to purchase or use a specific textbook for a course offered by any state institution of higher education, that textbook shall be made available for purchase 45
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<u>through at least two suppliers, one of which shall not be an</u>	48
<u>entity owned or affiliated with the institution. This division</u>	49
<u>does not apply to any textbook that is required for a course of</u>	50
<u>instruction that is exclusively offered by the institution.</u>	51