

BILL ANALYSIS

S.B. 1421
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that while the state may collect royalties, income, and other benefits realized as a result of projects undertaken with certain grant money, interest and proceeds from securities and equity ownership are not explicitly allowed to be accrued by the state. S.B. 1421 seeks to address this issue, as well as the confidentiality of certain information, by establishing provisions relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1421 amends the Health and Safety Code, in a provision requiring the Cancer Prevention and Research Institute of Texas Oversight Committee to establish standards that require all grant awards to be subject to an intellectual property agreement that allows the state to collect royalties, income, and other benefits realized as a result of projects undertaken with money awarded under provisions of law relating to the cancer prevention and research fund, to specify that such benefits include interest or proceeds resulting from securities and equity ownership.

S.B. 1421 establishes, in order to protect the actual or potential value of information submitted to the Cancer Prevention and Research Institute of Texas (CPRIT) by an applicant for or recipient of a CPRIT grant, that the following information submitted by such applicant or recipient is confidential and is not subject to disclosure under the state's open records law or any other law: all information, except as otherwise provided by a specified provision of law, that is contained in a grant award contract between CPRIT and a grant recipient, relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information, including computer programs, developed in whole or in part by an applicant for or recipient of a CPRIT grant, regardless of whether patentable or capable of being registered under copyright or trademark laws, that has a potential for being sold, traded, or licensed for a fee; and the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility.

EFFECTIVE DATE

September 1, 2011.