

JAN 20 2017

A BILL FOR AN ACT

RELATING TO TECHNOLOGY TRANSFER AT THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds that it is a matter of
2 statewide concern to support the contributions by the University
3 of Hawaii to the economic health and diversification of the
4 State. The legislature further finds that the timely and
5 efficient commercialization of intellectual property created by
6 basic and applied research at the university greatly benefits
7 the public and the State.

8 Through prior legislation, the legislature has authorized
9 and provided funding to support efforts by state agencies to
10 promote entrepreneurial development, research commercialization,
11 and access to startup investment capital. These efforts
12 include, for example, the HI growth initiative, the venture
13 accelerator funding program, and other projects sponsored by the
14 Hawaii strategic development corporation. The University of
15 Hawaii can play a vital and complementary role in this
16 initiative.



1 The legislature further finds that the board of regents of
2 the University of Hawaii has established a regulatory framework
3 and research compliance program to balance the unique benefits
4 and ethical issues specific to university research and
5 technology transfer, and to assure compliance with applicable
6 external regulations. The university regulatory framework and
7 research compliance program incorporates long-standing ethical
8 research principles and technology transfer regulations
9 currently used by the federal government.

10 The board of regents periodically reviews and updates its
11 policies and procedures to reflect the best practices currently
12 in place at several of the university's peer institutions. In
13 this manner, the university strives to remain compliant with
14 federal regulation and be competitive for external research
15 funding opportunities. By updating its research and
16 commercialization policies and guidelines, the university is
17 able to attract innovative faculty.

18 The purpose of this Act is to facilitate the University of
19 Hawaii's contribution to research commercialization and economic
20 development for the State by clarifying and modernizing the
21 application of ethics principles set forth in the state code of



1 ethics to technology transfer activities sponsored by the
2 university.

3 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§84- University of Hawaii; technology transfer
7 activities; exemption. (a) Sections 84-12, 84-13, 84-14 to 84-
8 16, and 84-18 shall not apply to technology transfer activities
9 sponsored by the University of Hawaii, so long as such
10 technology transfer activities comply with the regulatory
11 framework and research compliance program and policies approved
12 by the University of Hawaii.

13 (b) As used in this section, "technology transfer
14 activities" means the process of transferring scientific
15 findings from the public sector to the private sector for the
16 purpose of commercial development and application for personal
17 or financial gain. "Technology transfer activities" may include
18 creating joint ventures, limited partnerships, or other
19 corporate forms; allocating equity shares, partnership
20 interests, or other forms of participation; identifying new
21 technologies; protecting technologies through patents and



1 copyrights; forming development and commercialization
2 strategies, arrangements, or projects; and other related
3 activities."

4 SECTION 3. Chapter 304A, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§304A- Technology transfer; reporting. The board of
8 regents of the University of Hawaii shall submit a written
9 report to the legislature no later than twenty days prior to the
10 convening of the regular session of each odd-numbered year
11 regarding:

12 (1) The development and implementation of its regulatory
13 framework and research compliance program to reflect
14 ethical research principles and technology transfer
15 regulations used by the federal government; and

16 (2) The technology transfer activities of the University
17 of Hawaii as defined in section 84- and their
18 status."

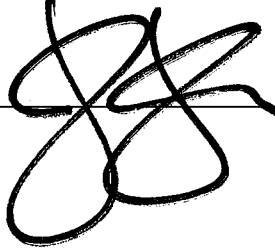
19 SECTION 4. New statutory material is underscored.



S.B. NO. 138

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:  (BE)



S.B. NO. 138

Report Title:

Code of Ethics; University of Hawaii; Technology Transfer Activities

Description:

Makes certain sections of the State Code of Ethics inapplicable to technology transfer activities sponsored by University of Hawaii if the activities comply with the regulatory framework and research compliance program approved by the Board of Regents. Requires the Board of Regents to submit written status reports.

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