BILL ANALYSIS

Senate Research Center   H.B. 1520
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DIGEST

Currently, the Texas Department of Health (TDH) is involved with projects that result in the purchase or development of intellectual property. Although many of the items that are classified as intellectual property are marketable, TDH only has the authority to sell software for which TDH holds the copyright. It has been demonstrated that marketable intellectual property developed by TDH and paid for with taxpayer funds can be obtained and resold by the private sector for profit. This bill allows TDH to market intellectual property and provides that the monies generated from such marketing are to benefit the state.

PURPOSE

As proposed, H.B. 1520 authorizes the Texas Department of Health to hold, protect, and market intellectual property for the benefit of the state.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1.   Amends Chapter 12B, Health and Safety Code, by adding Section 12.020, as follows:

Sec. 12.020. PROTECTION AND USE OF INTELLECTUAL PROPERTY. Authorizes the Texas Department of Health (TDH) to perform certain functions regarding intellectual property. Provides that intellectual property for which TDH has applied for or received a patent, copyright, trademark, or other evidence of protection or exclusivity is excepted from required disclosure under Chapter 552, Government Code. Requires money paid to TDH to be deposited to the credit of the general revenue fund. Provides that it is not a violation of Chapter 573, Government Code, or another law of this state for an employee of TDH or certain other individuals to attend to certain matters. Requires the commissioner of health to institute intellectual property polices for TDH that establish minimum standards for certain items.

SECTION 2.   Emergency clause.
Effective date: upon passage.