
A BILL FOR AN ACT

RELATING TO INTELLECTUAL PROPERTY.

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

1 SECTION 1. The legislature finds that ensuring that
2 agricultural commodity research conducted at the university of
3 Hawaii that produces intellectual property that can be
4 commercialized is a matter of statewide concern.

5 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
6 amended by adding a new subpart to part IV to be appropriately
7 designated and to read as follows:

8 " . College of Tropical Agriculture and Human Resources

9 **§304A-A Definitions.** As used in this subpart:

10 "College" means the college of tropical agriculture and
11 human resources.

12 "Intellectual property" means the production or discovery
13 of new species of, or uses for, agricultural crops, flowers, or
14 other plant types. "Intellectual property" does not include
15 material created for ordinary teaching use in the classroom,
16 including syllabi, assignments, and tests.



1 **§304A-B Contracts for services provided at the college.**
2 The university of Hawaii shall include in any contract to fill a
3 faculty position at the college that allows the faculty member
4 to retain, sell, or otherwise transfer ownership of any
5 intellectual property created, made, or originated by that
6 faculty member, a condition that the faculty member make a good
7 faith effort to license or sell the intellectual property to a
8 farmer or other agricultural producer having its principal place
9 of business in the State prior to licensing, selling, or
10 attempting to license or sell the intellectual property to an
11 entity having its principal place of business outside of the
12 State."

13 SECTION 3. Section 304A-103, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " ~~§304A-103~~ **University to be public corporation;**
16 **general powers.** The University of Hawaii is established as the
17 state university and is constituted as a body corporate. The
18 university, under the direction of the board of regents, shall
19 have the following general powers:

20 (1) To adopt, amend, and repeal bylaws governing the
21 conduct of its business and the performance of the



1 powers and duties granted to or imposed upon it by
2 law;

3 (2) To acquire in any lawful manner any property, real,
4 personal, or mixed, tangible or intangible, or any
5 interest therein; to hold, maintain, use, and operate
6 that property; and to sell, lease, or otherwise
7 dispose of that property at [~~such~~] the time, in [~~such~~]
8 the manner, and to the extent deemed necessary or
9 appropriate to carry out its purposes;

10 (3) [~~The~~] Except as otherwise provided in section 304A-B,
11 enter into and perform contracts, leases, cooperative
12 agreements, or other transactions as may be necessary
13 in the conduct of its business and on terms it may
14 deem appropriate, with any agency or instrumentality
15 of the United States, with any state, territory, or
16 possession, or with any political subdivision thereof,
17 or with any person, firm, association, or corporation;

18 (4) To determine the character of and the necessity for
19 its obligations and expenditures and the manner in
20 which they shall be incurred, allowed, and paid,



1 subject to provisions of law specifically applicable
2 to the university;

3 (5) To execute, in accordance with its bylaws, all
4 instruments necessary or appropriate in the exercise
5 of any of its powers; and

6 (6) To take [~~such~~] any actions as may be necessary or
7 appropriate to carry out the powers conferred upon it
8 by law."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

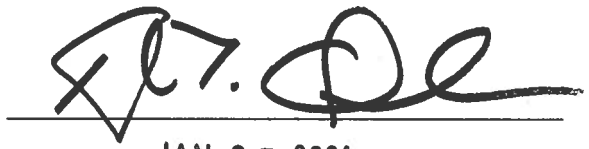
12 SECTION 5. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

19

INTRODUCED BY:



JAN 27 2021



H.B. NO. 1312

Report Title:

UH; College of Tropical Agriculture and Human Resources;
Employment Contracts; Intellectual Property Rights

Description:

Requires the university of Hawaii to include in certain employment agreements that address intellectual property rights a condition requiring the employees to make a good faith effort to sell or license intellectual property to a farmer or agricultural producer within the State prior to attempting to sell or license the intellectual property to an entity outside of the State.

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