

HOUSE BILL 195

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1999 Regular Session
9lr0155

By: **Chairman, Commerce and Government Matters Committee**
(Departmental - University System of Maryland) and Delegate Barve

Introduced and read first time: February 1, 1999

Assigned to: Economic Matters

Reassigned: Commerce and Government Matters, February 8, 1999

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Higher Education - Promoting Commercial Potential of Inventions of Public**
3 **Higher Education Institutions**

4 FOR the purpose of establishing the circumstances under which public higher
5 education institutions in the State may deny inspection of certain records
6 relating to certain inventions owned by the institutions in order to allow the
7 institutions a certain time period to promote and protect the institutions'
8 inventions; establishing the circumstances under which public disclosure is
9 provided; and generally relating to the inspection of public records.

10 BY repealing and reenacting, without amendments,
11 Article - State Government
12 Section 10-618(a)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1998 Supplement)

15 BY adding to
16 Article - State Government
17 Section 10-618(h)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1998 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1

Article - State Government

2 10-618.

3 (a) Unless otherwise provided by law, if a custodian believes that inspection of
4 a part of a public record by the applicant would be contrary to the public interest, the
5 custodian may deny inspection by the applicant of that part, as provided in this
6 section.

7 (H) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CUSTODIAN
8 MAY DENY INSPECTION OF THAT PART OF A PUBLIC RECORD THAT CONTAINS
9 INFORMATION DISCLOSING OR RELATING TO AN INVENTION OWNED IN WHOLE OR
10 IN PART BY A STATE PUBLIC INSTITUTION OF HIGHER EDUCATION FOR 4 YEARS TO
11 PERMIT THE INSTITUTION TO EVALUATE WHETHER TO PATENT OR MARKET THE
12 INVENTION AND PURSUE ECONOMIC DEVELOPMENT AND LICENSING
13 OPPORTUNITIES RELATED TO THE INVENTION.

14 (2) A CUSTODIAN MAY NOT DENY INSPECTION OF A PART OF A PUBLIC
15 RECORD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF:

16 (I) THE INFORMATION DISCLOSING OR RELATING TO AN
17 INVENTION HAS BEEN PUBLISHED OR DISSEMINATED BY THE INVENTORS IN THE
18 COURSE OF THEIR ACADEMIC ACTIVITIES OR DISCLOSED IN A PUBLISHED PATENT;

19 (II) THE INVENTION REFERRED TO IN THAT PART OF THE RECORD
20 HAS BEEN LICENSED BY THE INSTITUTION FOR AT LEAST ~~1 YEAR~~ 4 YEARS; OR

21 (III) 4 YEARS HAVE ELAPSED FROM THE DATE OF THE WRITTEN
22 DISCLOSURE OF THE INVENTION TO THE INSTITUTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1999.