

FIRST REGULAR SESSION

SENATE BILL NO. 226

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS GOODE, SIMS, KENNEY, WIGGINS AND CARTER.

Read 1st time January 3, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0834S.041

AN ACT

To amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto five new sections, to be known as sections 192.1010, 192.1015, 192.1020, 192.1025 and 192.1035, to read as follows:

192.1010. 1. There is hereby established within the department of health, the "Life Sciences Research Program". The program shall be administered by the director of the department of health based upon the recommendations of the life sciences research board, which is hereby created. The program shall consist of grant awards designed to achieve the goals stated in subsection 3 of this section.

2. The life sciences research board shall consist of seven members who shall be appointed in the following manner:

(1) Each member shall be appointed by the governor with the advice and consent of the senate for a term of six years, except for the terms of the initial members. The board shall select its own chairperson from among its members;

(2) The members of the board shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;

(3) Two initial members of the life sciences research board shall be appointed to two-year terms. Three initial members shall be appointed to a four-year term. The remaining two initial members shall be appointed to six-year terms. All subsequent appointees shall be appointed to six-year terms;

(4) No member of the life sciences research board shall serve more than two consecutive full six-year terms on the board;

(5) The life sciences research board shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the board.

3. The life sciences research board shall take applications for grants-in-aid in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety.

4. The applications shall be designed by the department of health and shall contain information necessary to determine the potential benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program.

5. In determining projects to authorize, the life sciences research board shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

6. The life sciences research board shall have the authority to:

(1) Award research grants;

(2) Enter into contracts relating to research;

(3) Adopt research standards;

(4) Promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs, utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 192.1010 to 192.1035;

(5) Make provision for peer review panels to recommend and review research projects;

(6) Contract for administrative and support services;

(7) Lease or acquire facilities and equipment;

(8) Employ administrative staff; and

(9) Receive, retain, hold, invest, disburse and administer any funds which it receives.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 192.1010 through 192.1030 shall become effective only if it complies with and is subject to all of the provisions of chapter

536, RSMo, and, if applicable, section 536.028, RSMo. The rulemaking authority granted in such sections and the provisions of chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

192.1015. The life sciences research board shall make provision for and secure from the state auditor or outside certified public accounting firm an annual audit of its financial affairs and the funds expended from the life sciences research account. Such shall be performed on a fiscal year basis. The board will make copies of each audit publicly available. Every three years the board with assistance of its staff or independent contractors as determined by the board shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the board's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

192.1020. Grant awards made by the life sciences research board shall provide for the reimbursement of costs. Whether reimbursement of particular costs will be allowed depends on the application of a four-part test balancing, which shall include:

- (1) The reasonableness of the cost;
- (2) The connection to the grant;
- (3) The consistency demonstrated in assigning costs to the grant; and
- (4) Conformance with the particular terms and conditions of the award.

192.1025. Grant recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant award. Institutions or organizations receiving grant awards shall retain all right, title and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvement, modifications, discoveries, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries and derivatives, whether patentable or not, which are made in the performance of work under a grant award. The life sciences research board may, however, adopt reasonable regulations to insure that any such intellectual property rights are utilized reasonably and in a manner which is in the public interest.

192.1035. All of the provisions of sections 192.1010 to 192.1035 are severable. If

any provisions of sections 192.1010 to 192.1035 are found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions shall be and remain valid.

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