

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 453

Representative Greenspan

Cosponsors: Representatives Antonio, Boyd, Huffman, Kick, Seitz, Sweeney

A BILL

To enact section 339.062 of the Revised Code to 1
require that all rights and interests in 2
discoveries, inventions, or patents made by 3
employees using charter county hospital 4
facilities are the property of that charter 5
county hospital. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 339.062 of the Revised Code be 7
enacted to read as follows: 8

Sec. 339.062. (A) As used in this section, "charter county 9
hospital" means a county hospital based in a county that has 10
adopted a charter under Section 3 of Article X, Ohio 11
Constitution. 12

(B) All rights and interests in discoveries, inventions, 13
or patents that result from research or investigation conducted 14
in an experiment station, bureau, laboratory, research facility, 15
or other facility of a charter county hospital, or by employees 16
of any charter county hospital acting within the scope of their 17
employment or with funding, equipment, or infrastructure 18

provided by or through a charter county hospital, shall be the 19
sole property of that charter county hospital. No person, firm, 20
association, corporation, or governmental agency that uses the 21
facilities of a charter county hospital in connection with 22
conducting research or investigation and no employee of a 23
charter county hospital participating in or making discoveries 24
or inventions, shall have any rights to or interest in such 25
discoveries or inventions, including income therefrom, except as 26
may, by determination of the board of trustees of a charter 27
county hospital, be assigned, licensed, transferred, or paid to 28
persons or entities in accordance with division (C) of this 29
section or in accordance with rules adopted under division (D) 30
of this section. 31

(C) As may be determined from time to time by the board of 32
trustees of a charter county hospital, the charter county 33
hospital may retain, assign, license, transfer, sell, or 34
otherwise dispose of, in whole or in part and upon such terms as 35
the board of trustees may direct, any and all rights to, 36
interests in, or income from any discoveries, inventions, or 37
patents that the charter county hospital owns or may acquire. 38
Such dispositions may be to any individual, firm, association, 39
corporation, or governmental agency, or employee of the charter 40
county hospital as the board of trustees may direct. Any and all 41
income or proceeds derived or retained from such dispositions 42
shall be applied to the general or special use of the charter 43
county hospital as determined by the board of trustees of the 44
charter county hospital. 45

(D) (1) Notwithstanding any provision of the Revised Code 46
to the contrary, including sections 102.03, 102.04, 2921.42, and 47
2921.43 of the Revised Code, the board of trustees of a charter 48
county hospital may establish rules in accordance with section 49

339.06 of the Revised Code that set forth circumstances under 50
which an employee of the charter county hospital may solicit or 51
accept, and under which a person may give or promise to give to 52
an employee, a financial interest in any firm, corporation, or 53
other association that the board has assigned, licensed, 54
transferred, or sold the charter county hospital's interests in 55
its intellectual property, including discoveries or inventions 56
made or created by that employee or in patents issued to that 57
employee. 58

(2) Rules established under division (D)(1) of this 59
section shall include the following: 60

(a) A requirement that each charter county hospital 61
employee disclose to the charter county hospital board of 62
trustees any financial interest the employee holds in a firm, 63
corporation, or other association as described in division (D) 64
(1) of this section; 65

(b) A requirement that all disclosures made under division 66
(D)(2)(a) of this section are reviewed by officials designated 67
by the charter county hospital board of trustees. The officials 68
designated under this division shall determine the information 69
that shall be disclosed and safeguards that shall be applied in 70
order to manage, reduce, or eliminate any actual or potential 71
conflict of interest; 72

(c) A requirement that in implementing division (D) of 73
this section all members of the charter county hospital board of 74
trustees shall be governed by Chapter 102. and sections 2921.42 75
and 2921.43 of the Revised Code; 76

(d) Guidelines to ensure that any financial interest held 77
by any employee of the charter county hospital does not result 78

in misuse of the employees or resources of the charter county 79
hospital for the benefit of the firm, corporation, or other 80
association in which the interest is held or does not otherwise 81
interfere with duties and responsibilities of the employee who 82
holds the interest. 83

(3) Rules established under division (D) (1) of this 84
section may include other provisions at the discretion of the 85
charter county hospital board of trustees. 86

(E) Notwithstanding division (D) of this section, the Ohio 87
ethics commission retains authority to provide assistance to a 88
charter county hospital board of trustees in the implementation 89
of division (D) (2) of this section and to address any matter 90
that is outside the scope of the exception to division (B) of 91
this section as set forth in division (D) of this section or as 92
set forth in rules established under division (D) of this 93
section. 94