

As Passed by the House

132nd General Assembly

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Sub. H. B. No. 453

Representative Greenspan

Cosponsors: Representatives Antonio, Boyd, Huffman, Kick, Seitz, Sweeney, Hambley, Arndt, Carfagna, Anielski, Barnes, Howse, Kent, LaTourette, Lepore-Hagan, Rogers, Ryan, Sprague, West

A BILL

To enact section 339.062 of the Revised Code to 1
require that all rights to and interests in 2
discoveries or inventions made by, or patents 3
issued to, employees using charter county 4
hospital facilities or funding are the property 5
of that charter 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 to, interests in, and income from 13
intellectual property, including discoveries, inventions, or 14
patents, that result from research or investigation conducted in 15
an experiment station, bureau, laboratory, research facility, or 16

other facility of a charter county hospital, or by employees of 17
any charter county hospital acting within the scope of their 18
employment or with funding, equipment, or infrastructure 19
provided by or through a charter county hospital, shall be the 20
sole property of that charter county hospital. No individual, 21
firm, association, corporation, or governmental agency that uses 22
the facilities of a charter county hospital in connection with 23
conducting research or investigation, and no employee of a 24
charter county hospital participating in or making discoveries 25
or inventions or obtaining patents, shall have any rights to, 26
interests in, or income from such intellectual property, 27
including discoveries, inventions, or patents, except as may, by 28
determination of the board of county hospital trustees of a 29
charter county hospital, be assigned, licensed, transferred, 30
sold, or otherwise disposed of, to those entities or employees 31
in accordance with division (C) of this section or in accordance 32
with rules adopted under division (D) of this section. 33

(C) As may be determined from time to time by the board of 34
county hospital trustees of a charter county hospital, the 35
charter county hospital may retain, assign, license, transfer, 36
sell, or otherwise dispose of, in whole or in part and upon such 37
terms as the board may direct, any and all rights to, interests 38
in, or income from any intellectual property, including 39
discoveries, inventions, or patents, that the charter county 40
hospital owns or may acquire. Such dispositions may be to any 41
individual, firm, association, corporation, or governmental 42
agency, or to an employee of the charter county hospital, as the 43
board may direct. All income or proceeds derived or retained 44
from such dispositions shall be applied to the general or 45
special use of the charter county hospital as determined by its 46
board. 47

(D) (1) Notwithstanding any provision of the Revised Code 48
to the contrary, including sections 102.03, 102.04, 2921.42, and 49
2921.43 of the Revised Code, the board of county hospital 50
trustees of a charter county hospital shall adopt rules under 51
section 339.06 of the Revised Code that set forth circumstances 52
under which an employee of the charter county hospital may 53
solicit or accept, and under which a person may give or promise 54
to give to an employee, a financial interest in any individual, 55
firm, association, corporation, or governmental agency to which 56
the board has assigned, licensed, transferred, sold, or 57
otherwise disposed of the charter county hospital's rights to, 58
interests in, or income from its intellectual property, 59
including discoveries or inventions made or created by that 60
employee or patents issued to that employee. 61

(2) The rules shall include the following: 62

(a) A requirement that each charter county hospital 63
employee disclose to the board of county hospital trustees of 64
the charter county hospital any financial interest the employee 65
holds in any individual, firm, association, corporation, or 66
governmental agency as described in division (D) (1) of this 67
section; 68

(b) A requirement that all disclosures made under division 69
(D) (2) (a) of this section are reviewed by officials designated 70
by the board. The officials designated under this division shall 71
determine the information that shall be disclosed and safeguards 72
that shall be applied in order to manage, reduce, or eliminate 73
any actual or potential conflict of interest; 74

(c) A requirement that in implementing division (D) of 75
this section, all board members shall be governed by Chapter 76
102. and sections 2921.42 and 2921.43 of the Revised Code; 77

(d) Guidelines to ensure that any financial interest held 78
by any employee of the charter county hospital does not result 79
in misuse of the employees or resources of the charter county 80
hospital for the benefit of the individual, firm, association, 81
corporation, or governmental agency in which the interest is 82
held or does not otherwise interfere with duties and 83
responsibilities of the employee who holds the interest. 84

(3) Rules adopted under division (D) of this section may 85
include other provisions, at the discretion of the board of 86
county hospital trustees of the charter county hospital. 87

(E) Notwithstanding division (D)(1) of this section, the 88
Ohio ethics commission, at the request of the board of county 89
hospital trustees of a charter county hospital, shall advise the 90
board in the implementation of the board's rules adopted under 91
division (D) of this section and address any matter that is 92
outside the scope of those rules. 93