

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**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**

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**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