

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 50

Representative Greenspan

A BILL

To enact section 339.062 of the Revised Code to
require that all rights to and interests in
charter county hospital employee discoveries,
inventions, or patents are the property of the
charter county hospital.

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

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

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

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(B) All rights to, interests in, and income from
intellectual property, including discoveries, inventions, or
patents, that result from research or investigation conducted in
an experiment station, bureau, laboratory, research facility, or
other facility of a charter county hospital, or by employees of
any charter county hospital acting within the scope of their
employment or with funding, equipment, or infrastructure
provided by or through a charter county hospital, shall be the

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sole property of that charter county hospital. No individual,
firm, association, corporation, or governmental agency that uses
the facilities of a charter county hospital in connection with
conducting research or investigation, and no employee of a
charter county hospital participating in or making discoveries
or inventions or obtaining patents, shall have any rights to,
interests in, or income from such intellectual property,
including discoveries, inventions, or patents, except as may, by
determination of the board of county hospital trustees of a
charter county hospital, be assigned, licensed, transferred,
sold, or otherwise disposed of, to those entities or employees
in accordance with division (C) of this section or in accordance
with rules adopted under division (D) of this section.

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

(D) (1) Notwithstanding any provision of the Revised Code
to the contrary, including sections 102.03, 102.04, 2921.42, and
2921.43 of the Revised Code, the board of county hospital
trustees of a charter county hospital shall adopt rules under

section 339.06 of the Revised Code that set forth circumstances 51
under which an employee of the charter county hospital may 52
solicit or accept, and under which a person may give or promise 53
to give to an employee, a financial interest in any individual, 54
firm, association, corporation, or governmental agency to which 55
the board has assigned, licensed, transferred, sold, or 56
otherwise disposed of the charter county hospital's rights to, 57
interests in, or income from its intellectual property, 58
including discoveries or inventions made or created by that 59
employee or patents issued to that employee. 60

(2) The rules shall include the following: 61

(a) A requirement that each charter county hospital 62
employee disclose to the board of county hospital trustees of 63
the charter county hospital any financial interest the employee 64
holds in any individual, firm, association, corporation, or 65
governmental agency as described in division (D)(1) of this 66
section; 67

(b) A requirement that all disclosures made under division 68
(D)(2)(a) of this section are reviewed by officials designated 69
by the board. The officials designated under this division shall 70
determine the information that shall be disclosed and safeguards 71
that shall be applied in order to manage, reduce, or eliminate 72
any actual or potential conflict of interest; 73

(c) A requirement that in implementing division (D) of 74
this section, all board members shall be governed by Chapter 75
102. and sections 2921.42 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 individual, firm, association, 80
corporation, or governmental agency in which the interest is 81
held or does not otherwise interfere with duties and 82
responsibilities of the employee who holds the interest. 83

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

(E) Notwithstanding division (D)(1) of this section, the 87
Ohio ethics commission, at the request of the board of county 88
hospital trustees of a charter county hospital, shall advise the 89
board in the implementation of the board's rules adopted under 90
division (D) of this section and address any matter that is 91
outside the scope of those rules. 92