



Ohio Revised Code

Section 339.062 Intellectual property.

Effective: October 29, 2019

Legislation: House Bill 50 - 133rd General Assembly

(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.

(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 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 when acting within the scope of the employee's employment, 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 under which an employee of the charter county hospital may solicit or accept, and under which a person may give or promise to give to an employee, a financial interest in any individual, firm, association, corporation, or governmental agency to which the board has assigned, licensed, transferred, sold, or otherwise disposed of the charter county hospital's rights to, interests in, or income from its intellectual property, including discoveries or inventions made or created by that employee or patents issued to that employee when acting within the scope of the employee's employment.

(2) The rules shall include the following:

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

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

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

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

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



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