

HOUSE BILL 1466

K3

0lr2770

By: **Delegates Boteler, Grammer, Hornberger, Mangione, McComas, and Shoemaker**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employment Contracts – Intellectual Property**

3 FOR the purpose of providing that certain intellectual property rights provisions in an
4 employment contract are null and void as being against the public policy of the State;
5 providing for the application and construction of this Act; and generally relating to
6 employment contracts.

7 BY adding to

8 Article – Labor and Employment

9 Section 3–717

10 Annotated Code of Maryland

11 (2016 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Labor and Employment**

15 **3–717.**

16 **(A) ANY PROVISION IN AN EMPLOYMENT CONTRACT THAT REQUIRES THAT**
17 **AN EMPLOYEE ASSIGN TO AN EMPLOYER THE EMPLOYEE’S RIGHTS IN A PIECE OF**
18 **INTELLECTUAL PROPERTY DEVELOPED OUTSIDE THE SCOPE OF EMPLOYMENT ON**
19 **THE EMPLOYEE’S OWN TIME WITHOUT USING THE EMPLOYER’S EQUIPMENT,**
20 **SUPPLIES, FACILITIES, OR TRADE SECRET INFORMATION, SHALL BE NULL AND VOID**
21 **AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation
23 or contract right may not be impaired in any way by this Act.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
2 apply only prospectively and may not be applied or interpreted to have any effect on or
3 application to any cause of action before the effective date of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.