

# AN ACT

To amend sections 124.04, 2108.01, 2108.02, 2108.021, 2108.04, 2108.15, and 3301.07, to enact sections 313.30, 2108.17, 2108.18, 2108.19, 2108.20, 4501.024, and 4717.17, and to repeal section 2108.022 of the Revised Code to make changes to the law regarding anatomical gifts and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 124.04, 2108.01, 2108.02, 2108.021, 2108.04, 2108.15, and 3301.07 be amended and sections 313.30, 2108.17, 2108.18, 2108.19, 2108.20, 4501.024, and 4717.17 of the Revised Code be enacted to read as follows:

Sec. 124.04. In addition to those powers enumerated in Chapters 123. and 125. of the Revised Code and as provided elsewhere by law, the powers, duties, and functions of the department of administrative services not specifically vested in and assigned to, or to be performed by, the state personnel board of review are hereby vested in and assigned to, and shall be performed by, the director of administrative services. These powers, duties, and functions shall include, but shall not be limited to, the following powers, duties, and functions:

(A) To prepare, conduct, and grade all competitive examinations for positions in the classified state service;

(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;

(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;

(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;

(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to

the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of such position, office, or employment;

(F) To develop and conduct personnel recruitment services for positions in the state service;

(G) To conduct research on specifications, classifications, and salaries of positions in the state service;

(H) To develop and conduct personnel training programs in cooperation with appointing authorities;

(I) To include periodically in communications sent to state employees information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;

(J) To enter into agreements with universities and colleges for in-service training of personnel in the civil service;

~~(K)~~(K) To appoint such examiners, inspectors, clerks, and other assistants as are necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform and to prescribe the duties of all such employees;

~~(L)~~(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the state classified service and assignment or reassignment of employees in the state classified service to specific position classifications;

~~(M)~~(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;

~~(N)~~(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.

Sec. 313.30. A coroner may designate in writing an eye bank, tissue bank, or both with which the coroner will cooperate concerning retrieval of usable eyes and tissues that have been donated.

an eye or tissue bank Designated under this section has the property right specified in section 2108.02 of the Revised Code.

A coroner acting in good faith is not liable in damages for injury resulting from acting or attempting to act in accordance with the donor's declaration under section 2108.04 of the Revised Code of an anatomical gift.

Sec. 2108.01. As used in sections 2108.01 to 2108.12 of the Revised Code:

(A) "Anatomical gift" means a donation of all or part of a human body

to take effect upon or after death.

(B) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(C) If a will or other document by which an anatomical gift is made includes a valid specification of the intended donee, "donee" means the specified person or entity; otherwise, "donee" means, in the case of organs, an organ procurement organization that serves the region of the state where the body of the donor is located or, in the case of tissue or eyes, an organization entitled by law to recover the tissue or eyes from the donor's body.

(D) "Donor" means an individual who makes an anatomical gift.

~~(D)~~(E) "Hospital" means any hospital operated in this state that is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or accredited by the joint commission on accreditation of healthcare organizations or the American osteopathic association. "Hospital" also means a facility licensed, accredited, registered, or approved as a hospital under the laws of any state, and includes a facility operated as a hospital by a state or a subdivision of the state, although not required to be licensed under state laws.

~~(E)~~(F) "Identification card" means an identification card issued under sections 4507.50 and 4507.51 of the Revised Code.

~~(F)~~(G) "Part" means any portion of a human body.

~~(G)~~(H) "Tissue" means any body part other than an organ or eye.

~~(H)~~(I) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a government or governmental subdivision or agency.

~~(I)~~(J) "Physician" or "surgeon" means an individual who is licensed or authorized to practice medicine and surgery or osteopathic medicine and surgery under the laws of any state.

~~(J)~~(K) "Recovery agency" means a nonprofit organization incorporated under Chapter 1702. of the Revised Code that is one of the following:

(1) An organ procurement organization designated by the secretary of health and human services pursuant to Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 1320b-8, as amended;

(2) An eye bank ~~certified~~ that is accredited by the eye bank association of America or that has applied for accreditation, is in substantial compliance with accreditation standards of the association, and since applying for accreditation has been in operation for not longer than one year;

(3) A tissue bank that is certified by the American association of tissue banks or that has applied for certification ~~and~~, is in substantial compliance

with certification standards of the association, and since applying for certification has been in operation for not longer than one year.

Sec. 2108.02. (A) Any individual of sound mind may make an anatomical gift for any purpose specified in section 2108.03 of the Revised Code, the anatomical gift to take effect upon ~~his~~ the individual's death, if either of the following conditions applies:

(1) The individual is eighteen years of age or more;

(2) The individual is less than eighteen years of age and a parent or guardian of the individual signs a document pursuant to division (B)(2) or a statement pursuant to division (C) of section 2108.04 of the Revised Code.

(B) Any of the following persons, in the order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may make an anatomical gift of all or any part of the body of a decedent for any purpose specified in section 2108.03 of the Revised Code:

(1) The spouse;

(2) An adult son or daughter;

(3) Either parent;

(4) An adult brother or sister;

(5) A grandparent;

(6) A guardian of the person of the decedent at the time of ~~his~~ the decedent's death;

(7) Any other person authorized or under obligation to dispose of the body.

(C) The donee shall not accept the anatomical gift if ~~he~~ the donee has actual notice of contrary indications by the decedent or if the anatomical gift is made pursuant to division (B) of this section and that an anatomical gift by a member of a class is opposed by a member of the same or a prior class. The persons authorized in division (B) of this section may make the anatomical gift after or immediately before death.

(D) An anatomical gift authorizes any examination necessary to ensure medical acceptability of the anatomical gift for the purpose intended.

(E) The rights of the donee created by the anatomical gift are paramount to the rights of others except that a coroner or, in ~~his~~ the coroner's absence, a deputy coroner, who has, under section 313.13 of the Revised Code, taken charge of the decedent's dead body and decided that an autopsy is necessary, has a right to the dead body and any part that is paramount to the rights of the donee. The coroner, or in ~~his~~ the coroner's absence, the deputy coroner, may waive this paramount right and permit the donee to take a donated part

if the donated part is or will be unnecessary for successful completion of the autopsy or for evidence. If the coroner or deputy coroner does not waive ~~his~~ this paramount right and later determines, while performing the autopsy, that the donated part is or will be unnecessary for successful completion of the autopsy or for evidence, ~~he~~ the coroner or deputy coroner may thereupon waive ~~his~~ the paramount right and permit the donee to take the donated part, either during the autopsy or after it is completed.

(F) The donee has a property right in an anatomical gift donated pursuant to sections 2108.02 and 2108.04 of the Revised Code and may enforce this right in an action for a declaratory JUDGMENT under Chapter 2721. of the Revised Code in the common pleas court of the county where the donor last resided or died or the county where the donee resides. The court shall give such an action precedence over other pending actions.

(G) Nothing in this section shall be construed as requiring a donee to accept an anatomical gift.

Sec. 2108.021. ~~(A) Every hospital shall develop and implement a written protocol consistent with 42 C.F.R. section 482.45 for facilitating procurement of anatomical gifts in consultation with all recovery agencies that work with the hospital in procuring and realizing anatomical gifts. The protocol shall include provisions under which the hospital shall do all of the following:~~

~~(1) Enter into an agreement with an organ procurement organization that does all of the following:~~

~~(a) Provides for the hospital to give timely notice as provided in division (B) of this section that an individual's death is imminent or the individual has died in the hospital;~~

~~(b) Provides for the organ procurement organization to determine the medical suitability of the potential donor for organ donation;~~

~~(c) On notification by the hospital of the death or imminent death of a potential eye or tissue donor, provides for the organ procurement organization or third party described in division (B) of this section to notify in a timely manner the eye and tissue banks the hospital has agreements with under division (C) of this section;~~

~~(d) Unless an agreement the hospital has entered into with an eye bank or tissue bank under division (C) of this section provides for the eye or tissue bank to determine medical suitability of the potential donor for eye or tissue donation, provides for the organ procurement organization to determine medical suitability of each potential donor for eye and tissue donations.~~

~~(2) Collaborate with the organ procurement organization to establish a~~

~~procedure for requesting organ, eye, or tissue donations that ensures the family of each potential donor is notified of the option to donate organs, eyes, or tissues, or to decline to donate;~~

~~(3) Encourage discretion and sensitivity with respect to the circumstances, opinions, and beliefs of the family of each potential donor;~~

~~(4) Cooperate with the organ procurement organization and an eye bank and a tissue bank to do all of the following:~~

~~(a) Educate staff on donation issues;~~

~~(b) Review death certificates and other records to improve identification of potential donors;~~

~~(c) Maintain the body of each potential donor while necessary testing and matching of potential donated organs, tissues, and eyes take place.~~

~~(B) An organ procurement organization, in consultation and agreement with the eye banks and tissue banks the hospital has agreements with under division (C) of this section, may designate a third party to receive the notice required under division (A)(1)(a) of this section. If a third party is designated in accordance with this division, the agreement between the hospital and the organ procurement organization shall specify that the notice is to be given to the third party. If a third party is not designated in accordance with this division, the agreement between the hospital and the organ procurement organization shall require the hospital to give the notice to the organ procurement organization or a third party designated by the organ procurement organization.~~

~~(C) Each hospital shall enter into an agreement with at least one eye bank and at least one tissue bank with which the hospital will cooperate to retrieve, process, preserve, store, and distribute all usable eyes and tissues that have been donated.~~

~~An agreement between a hospital and an eye bank may provide for the eye bank to determine the medical suitability of each potential donor for eye donation. An agreement between a hospital and a tissue bank may provide for the tissue bank to determine the medical suitability of each potential donor for tissue donation.~~

~~Nothing in an agreement entered into under this division shall interfere with the procurement of organs under an agreement entered into under division (A)(1) of this section.~~

Sec. 2108.04. (A) An individual eighteen years of age or older may make an anatomical gift by will under division (A) of section 2108.02 of the Revised Code. The anatomical gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the anatomical gift, to the extent

that it has been acted upon in good faith, is nevertheless valid and effective.

(B)(1) An individual may also make an anatomical gift under division (A) of section 2108.02 of the Revised Code by a document other than a will. The anatomical gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, shall be signed by the donor in the presence of two witnesses who shall sign the document in ~~his~~ the donor's presence. If the donor cannot sign, the document may be signed for ~~him~~ the donor at ~~his~~ the donor's direction and in the presence of two witnesses, having no affiliation with the donee, who shall sign the document in ~~his~~ the donor's presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the anatomical gift valid.

(2) If a person less than eighteen years of age wishes to make an anatomical gift under division (B)(1) of this section, one of the witnesses who signs the document shall be a parent or guardian of that person.

(C) An anatomical gift under division (A) of section 2108.02 of the Revised Code may also be made by a designation, to be provided for on all Ohio driver's or commercial driver's licenses and motorcycle operator's licenses or endorsements, and on all identification cards. The anatomical gift becomes effective upon the death of the donor. The holder of the driver's or commercial driver's license or endorsement, or the holder of the identification card must sign a statement at the time of application or renewal of the license, endorsement, or identification card in the presence of two witnesses, who must sign the statement in the presence of the donor; except that when the holder of the license or card is less than eighteen years of age, one of the witnesses who signs shall be a parent or guardian of the holder. Delivery of the license or identification card during the donor's lifetime is not necessary to make the anatomical gift valid. Revocation ~~or~~, suspension, or expiration of the license or endorsement will not invalidate the anatomical gift. The anatomical gift must be renewed upon renewal of each license, endorsement, or identification card. If the statement is ambiguous as to whether a general or specific anatomical gift is intended by the donor, the statement shall be construed as evidencing the specific anatomical gift only.

(D) Except as provided in section 2108.07 of the Revised Code, the donee or other person authorized to accept the anatomical gift may employ or authorize any surgeon or physician to carry out the appropriate procedures.

(E) Any anatomical gift by a person specified in division (B) of section 2108.02 of the Revised Code shall be made in one of the following ways:

- (1) By a document signed by ~~him~~ the person;
- (2) By telegram;
- (3) By a telephone call in which two persons receive the message and one of them prepares written documentation of the message, or by a telephone call that is recorded mechanically or electronically.

(F) A valid declaration of an anatomical gift made under division (A), (B), or (C) of this section prevails over any contrary desires of the donor's family regarding the donor's corpse, but nothing in this section shall be construed as requiring a donee to accept an anatomical gift.

Sec. 2108.15. (A) There is hereby created in the state treasury the second chance trust fund. The fund shall consist of voluntary contributions deposited as provided in sections 4506.081, 4507.231, and 4507.501 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) The director of health shall use the money in the fund only for the following purposes:

~~(A)~~(1) Development and implementation of a campaign that explains and promotes the second chance trust fund;

~~(B)~~(2) Development and implementation of a local and statewide public education ~~program~~ programs about organ, tissue, and eye donation, including the informational material required to be provided under sections 4506.081, 4507.231, and 4507.501 of the Revised Code;

~~(C)~~(3) Development and implementation of local and statewide donor awareness programs in secondary schools;

~~(D)~~(4) Development and implementation of local and statewide programs to recognize donor families;

~~(E)~~(5) Development and distribution of materials promoting organ, tissue, and eye donation;

(6) Cooperation with the Ohio Supreme Court, Ohio State Bar Association, and law schools of this state to more effectively educate attorneys about the donation of anatomical gifts and to encourage them to assist their clients in donating anatomical gifts through anatomical gift declarations, durable powers of attorney for health care, declarations as defined in section 2133.01 of the Revised Code, wills, and any other appropriate means;

(7) Cooperation with the state medical board, state medical, osteopathic, and ophthalmological associations, and colleges of medicine and osteopathic medicine in this state to more effectively educate physicians about the donation of anatomical gifts and to encourage them to assist their patients in making declarations of anatomical gifts;

(8) Development and initial implementation of the donor registry established pursuant to section 2108.18 of the Revised Code, except that the total amount expended shall not exceed one hundred fifty thousand dollars;

(9) Development of statewide hospital training programs to encourage and facilitate compliance with the provisions of section 2108.021 of the Revised Code concerning circumstances under which an anatomical gift is required to be requested;

~~(F)~~(10) Reimbursement of the bureau of motor vehicles for the administrative costs incurred in the performance of duties under sections 4506.081, 4507.231, and 4507.501 of the Revised Code;

~~(G) Payment of the compensation of a staff member of the department of health for the staff member's time spent monitoring hospital compliance with sections 2108.01 to 2108.09 of the Revised Code;~~

~~(H) Until December 31, 2000, reimbursement~~ (11) Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section 2108.17 of the Revised Code;

(12) Reimbursement of board members of the second chance fund advisory committee for actual and necessary expenses incurred in the performance of official duties.

~~Until December 31, 2000, the~~ (C) The director shall make the materials developed under division (B)(5) of this section available to other state agencies.

~~(D) The director shall consider recommendations made by the second chance trust fund board advisory committee pursuant to section 2108.16 2108.17 of the Revised Code. Until December 31, 2000, the~~ The director shall determine the appropriateness of and approve or disapprove projects recommended by the board advisory committee for funding. On and after December 31, 2000, the director shall determine the appropriateness of and approve or disapprove projects. The director shall and approve or disapprove the disbursement of money from the second chance trust fund.

Sec. 2108.17. (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of eleven members. The members shall include the following:

(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;

(2) One representative of each of the following appointed by the director of health:

(a) An Ohio organ procurement organization that is a member of the

Organ Procurement and Transplantation Network:

(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks and is not affiliated with an organ procurement organization;

(c) An Ohio eye bank that is certified by the eye bank association of America and is not affiliated with an organ procurement organization;

(d) The Ohio solid organ transplantation consortium;

(e) The Ohio hospital association;

(f) The department of health.

(3) Except as provided in division (D) of this section, three members of the public appointed by the director who are not affiliated with recovery agencies.

(B) No two members appointed under divisions (A)(2)(a), (b), and (c) of this section shall be from the same organ procurement and distribution service area designated by the United States secretary of health and human services.

(C) Of the members first appointed under division (A)(2) of this section, the representatives of the organ procurement organization, tissue procurement organization, and eye bank shall serve terms of three years; the representatives of the department of health and Ohio solid organ transplantation consortium shall serve terms of two years; and the member representing the Ohio hospital association shall serve a term of one year. Thereafter, all members shall serve terms of three years.

(D) The members initially appointed under division (A)(3) of this section shall be representatives of the following:

(1) An organ procurement organization in Ohio designated by the United States secretary of health and human services that is not represented by the appointment under division (A)(2)(a) of this section;

(2) an ohio tissue bank that is an accredited member of the american association of tissue banks, not affiliated with an organ procurement organization, and not represented by the appointment under division (a)(2)(b) of this section;

(3) An ohio eye bank that is certified by the eye bank association of america, not affiliated with an organ procurement organization, and not represented by the appointment under division (a)(2)(c) of this section.

the three members shall serve until the proposed rules under section 2108.18 of the Revised Code are formulated. After the initial appointments, the director shall appoint three members of the public who are not affiliated with recovery agencies to serve terms of three years.

(E) No individual appointed under division (A)(2) or (3) of this section

shall serve more than two consecutive terms, regardless of whether the terms were full or partial terms. Each member shall serve from the date of appointment until the member's successor is appointed. All vacancies on the committee shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(F) The committee shall annually elect a chairperson from among its members and shall establish procedures for the governance of its operations. The committee shall meet at least semiannually. It shall submit an annual report of its activities and recommendations to the director of health.

(G) Committee members shall serve without compensation, but shall be reimbursed from the second chance trust fund for all actual and necessary expenses incurred in the performance of official duties.

(H) The committee shall do all of the following:

(1) Make recommendations to the director of health for projects for funding from the second chance trust fund;

(2) Consult with the registrar of motor vehicles in formulating proposed rules under division (C)(1) of section 2108.18 of the Revised Code;

(3) As requested, consult with the registrar or director on other matters related to organ donation.

(I) The committee is not subject to section 101.84 of the Revised Code.

Sec. 2108.18. (A) The bureau of motor vehicles shall develop and maintain a donor registry that identifies each individual who has agreed to make an anatomical gift by a designation on a driver's or commercial driver's license or motorcycle operator's license or endorsement as provided in division (C) of section 2108.04 of the Revised Code. The registry shall be fully operational not later than July 1, 2002.

(B) The bureau shall maintain the registry in a manner that provides to organ procurement organizations, tissue banks, and eye banks immediate access to the information in the registry twenty-four hours a day and seven days a week.

(C)(1) The registrar of motor vehicles, in consultation with the director of health and the second chance trust fund advisory committee created under section 2108.17 of the Revised Code, shall formulate proposed rules that specify all of the following:

(a) The information to be included in the registry;

(b) A process, in addition to that provided for in section 2108.06 of the Revised Code, for an individual to revoke the individual's intent to make an anatomical gift and for updating information in the registry;

(c) How the registry will be made available to organ procurement organizations, tissue banks, and eye banks;

(d) Limitations on the use of and access to the registry;

(e) How information on organ, tissue, and eye donation will be developed and disseminated to the public by the bureau and the department of health;

(f) Anything else the registrar considers appropriate.

(2) In formulating the proposed rules under this division, the registrar may consult with any person or entity that expresses an interest in the matters to be dealt with in the rules.

(3) Following formulation of the proposed rules, but not later than January 1, 2002, the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code.

(D) The costs of developing and initially implementing the registry shall be paid from the second chance trust fund created in section 2108.15 of the Revised Code.

Sec. 2108.19. The bureau of motor vehicles shall maintain a toll-free telephone number available twenty-four hours a day that the public may use to obtain information on becoming an organ, tissue, or eye donor as provided in section 2108.04 of the Revised Code. The bureau of motor vehicles shall pay the costs of maintaining the toll-free telephone number.

Sec. 2108.20. The bureau of motor vehicles, registrar of motor vehicles, deputy registrars of motor vehicles, and agents and employees of the bureau of motor vehicles are not liable for damages in any civil action or subject to prosecution in a criminal proceeding for acting, attempting to act, or failing to act in accordance with section 2108.18, 2108.19, or 4501.024 of the Revised Code, unless the act, attempt, or omission was committed or omitted with malicious purpose, in bad faith, or in a wanton or reckless manner.

Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the following powers:

(A) Exercise policy forming, planning, and evaluative functions for the public schools of the state, and for adult education, except as otherwise provided by law;

(B) Exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts,

educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state. The board also shall develop a standard of financial reporting which shall be used by all school districts and educational service centers to make their financial information available to the public in a format understandable by the average citizen and provide year-to-year comparisons for at least five years. The format shall show, among other things, district and educational service center revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures.

(C) Administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D) Formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: a curriculum sufficient to meet the needs of pupils in every community; locally developed competency programs; the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

(E) Formulate and prescribe minimum standards for driver education courses conducted at high schools in the state or by educational service centers or joint vocational school district boards of education. In the formulation of standards for driver education courses, the board shall call upon the director of public safety for advice and assistance. The standards shall require twenty-four hours of classroom instruction, and eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state, but shall not require any additional hours of observation within a vehicle. The board shall require energy conservation information as part of the driver education curriculum. Such information shall include, but need not be limited to, the identification of inefficient driving techniques and improper maintenance as they relate to decreased gas mileage, information regarding the costs and benefits of different modes of travel, and information concerning relative fuel economy and life-cycle costs of new automobile purchases. The board also shall require financial responsibility information as part of the driver education curriculum. The board also may require as part of the health and driver education curricula information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and provide the information to high schools, educational service centers, and joint vocational school district boards of education.

(F) Prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level;

(G) Prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state;

(H) Cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state;

(I) Require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service

centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, adopt procedures, standards, and guidelines for the education of handicapped children pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of mental retardation and developmental disabilities pursuant to section 3323.09 of the Revised Code;

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) Require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation, beginning in the primary grades;

(M) Formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) Develop and modify as necessary a state plan for technology to encourage and promote the use of technological advancements in educational settings.

The board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

Sec. 4501.024. The bureau of motor vehicles shall do both of the

following:

(A) Develop and maintain a donor registry as required by section 2108.18 of the Revised Code;

(B) Maintain a toll-free telephone number as specified in section 2108.19 of the Revised Code.

Sec. 4717.17. A funeral director may designate in writing an eye bank, tissue bank, or both with which the funeral director will cooperate concerning retrieval of usable eyes and tissues that have been donated.

An eye or tissue bank Designated under this section has the property right specified in section 2108.02 of the Revised Code.

A funeral director acting in good faith is not liable in damages for injury resulting from acting or attempting to act in accordance with the donor's declaration under section 2108.04 of the Revised Code of an anatomical gift.

SECTION 2. That existing sections 124.04, 2108.01, 2108.02, 2108.021, 2108.04, 2108.15, and 3301.07 and section 2108.022 of the Revised Code are hereby repealed.

SECTION 3. (A) There is hereby created the Organ Donor Task Force. The task force shall consist of the following members:

(1) The chairs of the standing committees of the House of Representatives and Senate with primary responsibility for health legislation;

(2) A representative of the Ohio State Bar Association;

(3) Three persons appointed by the President of the Senate who are not members of the General Assembly;

(4) Three persons appointed by the Speaker of the House of Representatives who are not members of the General Assembly.

(B) The task force shall do all of the following:

(1) Recommend a form for expressing the intent to make an anatomical gift as provided in division (C) of section 2108.04 of the Revised Code, to be distributed by the Bureau of Motor Vehicles;

(2) Recommend changes to the documents of gift set forth in section 2108.10 of the Revised Code to ensure that they are suited to carrying out their intended purposes;

(3) Research the possibility of electronically connecting the donor registry developed under section 2108.18 of the Revised Code to donor registries outside Ohio;

(4) Research the procedures used by a funeral director and an individual

authorized to remove organs, tissue, or eyes insofar as the procedures used by one could interfere with those used by the other;

(5) Recommend, based on findings under division (B)(2) of this section, methods to facilitate cooperation between funeral directors and individuals authorized to remove organs, tissue, or eyes so as to permit them to carry out their proper functions.

(C) In making its recommendations, the task force shall consider that the form may be distributed by the Bureau of Motor Vehicles in conjunction with an application for a driver's license or motorcycle operator's license. The task force shall also consider and make recommendations concerning how the form may be made available to hospitals and recovery agencies.

(D) The task force shall, not later than September 1, 2001, submit a report of its recommendations and research to the Speaker of the House of Representatives and the President of the Senate. On submission of its final report, the task force shall cease to exist.

(E) Members of the task force shall serve without compensation but may be reimbursed for their actual and necessary expenses in performing the official duties of the task force.

SECTION 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the emergency is that thousands of Ohioans currently await life-saving or life-enhancing organ, tissue, or eye transplants. A single donor can impact dozens of lives, and this act is intended to increase the incidence of organ, tissue, and eye donation. Therefore, this act shall go into immediate effect.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_