

**As Passed by the Senate**

**127th General Assembly**

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**Sub. H. B. No. 529**

**Representative Wachtmann**

**Cosponsors: Representatives Goodwin, Gardner, Wagner, Sears, Combs,  
Uecker, Flowers, McGregor, J., Evans, Zehringer, McGregor, R., Hite,  
Strahorn, Stebelton, Mecklenborg, Schindel, Jones, Boyd, DeBose, Letson,  
Fende, Hagan, R., Bacon, Batchelder, Blessing, Chandler, Coley, Dolan,  
Domenick, Driehaus, Gibbs, Hagan, J., Harwood, Hughes, Raussen,  
Schlichter, Schneider, Szollosi, Williams, B.  
Senators Carey, Lehner, Padgett, Seitz, Wilson**

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**A B I L L**

To amend sections 124.04, 313.13, 313.23, 313.30, 1  
1337.11, 2105.35, 2108.09, 2108.11, 2108.15, 2  
2108.17, 2108.18, 2108.19, 2108.20, 2108.21, 3  
2108.30, 2108.78, 2108.99, 2133.01, 2133.07, 4  
2133.16, 2305.37, 2919.16, 3301.07, 4501.024, 5  
4503.721, 4506.07, 4506.081, 4506.11, 4507.06, 6  
4507.231, 4507.501, 4507.51, 4508.021, and 7  
4717.17, to amend, for the purpose of adopting new 8  
section numbers as indicated in parentheses, 9  
sections 2108.09 (2108.02), 2108.11 (2108.30), 10  
2108.15 (2108.34), 2108.17 (2108.35), 2108.18 11  
(2108.23), 2108.19 (2108.32), 2108.20 (2108.33), 12  
2108.21 (2108.31), and 2108.30 (2108.40), to enact 13  
new sections 2108.01, 2108.03, 2108.04, 2108.05, 14  
2108.06, 2108.07, 2108.08, 2108.09, 2108.10, 15  
2108.11, 2108.12, 2108.15, 2108.17, 2108.18, 16  
2108.19, 2108.20, and 2108.21, and sections 17

2108.13, 2108.14, 2108.16, 2108.22, 2108.24, 18  
2108.25, 2108.26, 2108.261, 2108.262, 2108.263, 19  
2108.264, 2108.265, 2108.266, 2108.267, 2108.268, 20  
2108.269, 2108.27, 2108.271, 2108.272, 2108.28, 21  
and 2108.29 and to repeal sections 2108.01, 22  
2108.02, 2108.021, 2108.03, 2108.04, 2108.05, 23  
2108.06, 2108.07, 2108.071, 2108.08, 2108.10, 24  
2108.101, 2108.12, 2108.53, and 2108.60 of the 25  
Revised Code to adopt the Revised Uniform 26  
Anatomical Gift Act. 27

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

**Section 1.** That sections 124.04, 313.13, 313.23, 313.30, 28  
1337.11, 2105.35, 2108.09, 2108.11, 2108.15, 2108.17, 2108.18, 29  
2108.19, 2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 2133.01, 30  
2133.07, 2133.16, 2305.37, 2919.16, 3301.07, 4501.024, 4503.721, 31  
4506.07, 4506.081, 4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 32  
4508.021, and 4717.17 be amended, sections 2108.09 (2108.02), 33  
2108.11 (2108.30), 2108.15 (2108.34), 2108.17 (2108.35), 2108.18 34  
(2108.23), 2108.19 (2108.32), 2108.20 (2108.33), 2108.21 35  
(2108.31), and 2108.30 (2108.40) be amended for the purpose of 36  
adopting new section numbers as indicated in parentheses, and new 37  
sections 2108.01, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 38  
2108.08, 2108.09, 2108.10, 2108.11, 2108.12, 2108.15, 2108.17, 39  
2108.18, 2108.19, 2108.20, and 2108.21, and sections 2108.13, 40  
2108.14, 2108.16, 2108.22, 2108.24, 2108.25, 2108.26, 2108.261, 41  
2108.262, 2108.263, 2108.264, 2108.265, 2108.266, 2108.267, 42  
2108.268, 2108.269, 2108.27, 2108.271, 2108.272, 2108.28, and 43  
2108.29 of the Revised Code be enacted to read as follows: 44

**Sec. 124.04.** In addition to those powers enumerated in 46

Chapters 123. and 125. of the Revised Code and as provided 47  
elsewhere by law, the powers, duties, and functions of the 48  
department of administrative services not specifically vested in 49  
and assigned to, or to be performed by, the state personnel board 50  
of review are hereby vested in and assigned to, and shall be 51  
performed by, the director of administrative services. These 52  
powers, duties, and functions shall include, but shall not be 53  
limited to, the following powers, duties, and functions: 54

(A) To prepare, conduct, and grade all competitive 55  
examinations for positions in the classified state service; 56

(B) To prepare, conduct, and grade all noncompetitive 57  
examinations for positions in the classified state service; 58

(C) To prepare eligible lists containing the names of persons 59  
qualified for appointment to positions in the classified state 60  
service; 61

(D) To prepare or amend, in accordance with section 124.14 of 62  
the Revised Code, specifications descriptive of duties, 63  
responsibilities, requirements, and desirable qualifications of 64  
the various classifications of positions in the state service; 65

(E) To allocate and reallocate, upon the motion of the 66  
director or upon request of an appointing authority and in 67  
accordance with section 124.14 of the Revised Code, any position, 68  
office, or employment in the state service to the appropriate 69  
classification on the basis of the duties, responsibilities, 70  
requirements, and qualifications of that position, office, or 71  
employment; 72

(F) To develop and conduct personnel recruitment services for 73  
positions in the state service; 74

(G) To conduct research on specifications, classifications, 75  
and salaries of positions in the state service; 76

(H) To develop and conduct personnel training programs,	77
including supervisory training programs and best practices plans,	78
and to develop merit hiring processes, in cooperation with	79
appointing authorities;	80
(I) To include periodically in communications sent to state	81
employees both of the following:	82
(1) Information developed under section <del>2108.15</del> <u>2108.34</u> of	83
the Revised Code promoting the donation of anatomical gifts under	84
Chapter 2108. of the Revised Code;	85
(2) Information about the liver or kidney donor and bone	86
marrow donor leave granted under section 124.139 of the Revised	87
Code.	88
(J) To enter into agreements with universities and colleges	89
for in-service training of officers and employees in the civil	90
service and to assist appointing authorities in recruiting	91
qualified applicants;	92
(K) To appoint examiners, inspectors, clerks, and other	93
assistants necessary in the exercise of the powers and performance	94
of the duties and functions which the director is by law	95
authorized and required to exercise and perform, and to prescribe	96
the duties of all of those employees;	97
(L) To maintain a journal, which shall be open to public	98
inspection, in which the director shall keep a record of the	99
director's final decision pertaining to the classification or	100
reclassification of positions in the classified civil service of	101
the state and assignment or reassignment of employees in the	102
classified civil service of the state to specific position	103
classifications;	104
(M) To delegate any of the powers, functions, or duties	105
granted or assigned to the director under this chapter to any	106
other state agency of this state as the director considers	107

necessary; 108

(N) To delegate any of the powers, functions, or duties 109  
granted or assigned to the director under this chapter to any 110  
political subdivision with the concurrence of the legislative 111  
authority of the political subdivision. 112

**Sec. 313.13.** (A) The coroner, any deputy coroner, an 113  
investigator appointed pursuant to section 313.05 of the Revised 114  
Code, or any other person the coroner designates as having the 115  
authority to act under this section may go to the dead body and 116  
take charge of it. Whether and when an autopsy is performed shall 117  
be determined under sections 313.121 and 313.131 of the Revised 118  
Code. If an autopsy is performed by the coroner, deputy coroner, 119  
or pathologists, a detailed description of the observations 120  
written during the progress of such autopsy, or as soon after such 121  
autopsy as reasonably possible, and the conclusions drawn from the 122  
observations shall be filed in the office of the coroner. 123

~~If he takes charge of and decides to perform, or performs, an 124  
autopsy on a dead body under section 313.121 or 313.131 of the 125  
Revised Code, the coroner, or in his absence, any deputy coroner, 126  
under division (E) of section 2108.02 of the Revised Code, may 127  
waive his paramount right to any donated part of the dead body. 128~~

(B) If the office of the coroner is notified that a person 129  
who was the operator of a motor vehicle that was involved in an 130  
accident or crash was killed in the accident or crash or died as a 131  
result of injuries suffered in it, the coroner, deputy coroner, or 132  
pathologist shall go to the dead body and take charge of it and 133  
administer a chemical test to the blood of the deceased person to 134  
determine the alcohol, drug, or alcohol and drug content of the 135  
blood. This division does not authorize the coroner, deputy 136  
coroner, or pathologist to perform an autopsy, and does not affect 137  
and shall not be construed as affecting the provisions of section 138

313.131 of the Revised Code that govern the determination of 139  
whether and when an autopsy is to be performed. 140

**Sec. 313.23.** (A) As used in this section: 141

(1) "Interested person" means an employee of the coroner's 142  
office, a physician, dentist, nurse, professor at a medical 143  
school, medical student, medical resident, nursing student, an 144  
employee of a ~~recovery agency~~ procurement organization, a member 145  
of a law enforcement agency, or any other person the coroner, in 146  
the coroner's discretion, determines is appropriate. 147

(2) "~~Recovery agency~~ Procurement organization" has the same 148  
meaning as in section 2108.01 of the Revised Code. 149

(B) The coroner may allow an interested person to view an 150  
autopsy of a decedent without the interested person receiving 151  
permission to view the decedent's autopsy from the decedent's next 152  
of kin. 153

(C) No person who is under eighteen years of age and who is 154  
not an interested person may view an autopsy. 155

**Sec. 313.30.** ~~A coroner may designate in writing an eye bank,~~ 156  
~~tissue bank, or both with which the coroner will cooperate~~ 157  
~~concerning retrieval of usable eyes and tissues that have been~~ 158  
~~donated.~~ 159

~~An eye or tissue bank designated under this section has the~~ 160  
~~property right specified in section 2108.02 of the Revised Code.~~ 161

A coroner acting in good faith is not liable in damages for 162  
injury resulting from acting or attempting to act in accordance 163  
with ~~the donor's declaration under section 2108.04~~ sections 164  
2108.01 to 2108.29 of the Revised Code ~~of regarding~~ an anatomical 165  
gift. 166

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code:	167 168
(A) "Adult" means a person who is eighteen years of age or older.	169 170
(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.	171 172 173 174 175
(C) "Comfort care" means any of the following:	176
(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;	177 178
(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;	179 180
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.	181 182 183
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	184 185 186 187 188 189 190 191
(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.	192 193
(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	194 195 196

(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.	197 198 199
(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	200 201 202
(I) "Health care facility" means any of the following:	203
(1) A hospital;	204
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	205 206 207
(3) A nursing home;	208
(4) A home health agency;	209
(5) An intermediate care facility for the mentally retarded;	210
(6) A regulated community mental health organization.	211
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	212 213 214 215 216 217
(K) "Home health agency" has the same meaning as in section <del>5101.61</del> <u>3701.881</u> of the Revised Code.	218 219
(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	220 221
(M) "Hospital" has the same meanings as in sections <del>2108.01</del> , 3701.01, <u>3727.01</u> , and 5122.01 of the Revised Code.	222 223
(N) "Hydration" means fluids that are artificially or technologically administered.	224 225



(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	226 227
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	228 229
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a principal, will serve principally to prolong the process of dying.	230 231 232 233
(R) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.	234 235
(S) "Mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.	236 237
(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	238 239
(U) "Nutrition" means sustenance that is artificially or technologically administered.	240 241
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	242 243 244 245 246 247
(1) Irreversible unawareness of one's being and environment.	248
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	249 250
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	251 252 253 254
(X) "Physician" means a person who is authorized under	255

Chapter 4731. of the Revised Code to practice medicine and surgery 256  
or osteopathic medicine and surgery. 257

(Y) "Political subdivision" and "state" have the same 258  
meanings as in section 2744.01 of the Revised Code. 259

(Z) "Professional disciplinary action" means action taken by 260  
the board or other entity that regulates the professional conduct 261  
of health care personnel, including the state medical board and 262  
the board of nursing. 263

(AA) "Regulated community mental health organization" means a 264  
residential facility as defined and licensed under section 5119.22 265  
of the Revised Code or a community mental health agency as defined 266  
in section 5122.01 of the Revised Code. 267

(BB) "Terminal condition" means an irreversible, incurable, 268  
and untreatable condition caused by disease, illness, or injury 269  
from which, to a reasonable degree of medical certainty as 270  
determined in accordance with reasonable medical standards by a 271  
principal's attending physician and one other physician who has 272  
examined the principal, both of the following apply: 273

(1) There can be no recovery. 274

(2) Death is likely to occur within a relatively short time 275  
if life-sustaining treatment is not administered. 276

(CC) "Tort action" means a civil action for damages for 277  
injury, death, or loss to person or property, other than a civil 278  
action for damages for a breach of contract or another agreement 279  
between persons. 280

**Sec. 2105.35.** (A)(1) A person is dead if the person has been 281  
determined to be dead pursuant to standards established under 282  
section ~~2108.30~~ 2108.40 of the Revised Code. 283

(2) A physician who makes a determination of death in 284  
accordance with section ~~2108.30~~ 2108.40 of the Revised Code and 285

any person who acts in good faith in reliance on a determination 286  
of death made by a physician in accordance with that section is 287  
entitled to the immunity conveyed by that section. 288

(B) A certified or authenticated copy of a death certificate 289  
purporting to be issued by an official or agency of the place 290  
where the death of a person purportedly occurred is prima-facie 291  
evidence of the fact, place, date, and time of the person's death 292  
and the identity of the decedent. 293

(C) A certified or authenticated copy of any record or report 294  
of a domestic or foreign governmental agency that a person is 295  
missing, detained, dead, or alive is prima-facie evidence of the 296  
status and of the dates, circumstances, and places disclosed by 297  
the record or report. 298

(D) In the absence of prima-facie evidence of death under 299  
division (B) or (C) of this section, the fact of death may be 300  
established by clear and convincing evidence, including 301  
circumstantial evidence. 302

(E) Except as provided in division (F) of this section, a 303  
presumption of the death of a person arises: 304

(1) When the person has disappeared and been continuously 305  
absent from the person's place of last domicile for a five-year 306  
period without being heard from during the period; 307

(2) When the person has disappeared and been continuously 308  
absent from the person's place of last domicile without being 309  
heard from and was at the beginning of the person's absence 310  
exposed to a specific peril of death, even though the absence has 311  
continued for less than a five-year period. 312

(F) When a person who is on active duty in the armed services 313  
of the United States has been officially determined to be absent 314  
in a status of "missing" or "missing in action," a presumption of 315  
death arises when the head of the federal department concerned has 316

made a finding of death pursuant to the "Federal Missing Persons Act," 80 Stat. 625 (1966), 37 U.S.C.A. 551, as amended.

(G) In the absence of evidence disputing the time of death stipulated on a document described in division (B) or (C) of this section, a document described in either of those divisions that stipulates a time of death one hundred twenty hours or more after the time of death of another person, however the time of death of the other person is determined, establishes by clear and convincing evidence that the person survived the other person by one hundred twenty hours.

(H) The provisions of divisions (A) to (G) of this section are in addition to any other provisions of the Revised Code, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the determination of death and status of a person.

Sec. 2108.01. As used in sections 2108.02 to 2108.35 of the Revised Code:

(A) "Adult" means an individual who is at least eighteen years of age.

(B) "Agent" means an individual who is either of the following:

(1) The principal's attorney in fact under a durable power of attorney for health care;

(2) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(C) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(D) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other

than sections 2108.01 to 2108.29 of the Revised Code, a fetus. 347

(E) "Disinterested witness" means a witness other than a 348  
spouse, child, parent, sibling, grandchild, grandparent, or 349  
guardian of the individual who makes an anatomical gift, or 350  
another adult who exhibited special care and concern for the 351  
individual. "Disinterested witness" does not include a person to 352  
which an anatomical gift could pass under section 2108.11 of the 353  
Revised Code. 354

(F) "Document of gift" means a donor card or other record 355  
used to make an anatomical gift. "Document of gift" includes a 356  
statement or symbol on a driver's license or identification card 357  
or in the donor registry. 358

(G) "Donor" means an individual whose body or part is the 359  
subject of an anatomical gift. 360

(H) "Donor registry" means a database that contains records 361  
of anatomical gifts and amendments to or revocations of anatomical 362  
gifts. 363

(I) "Driver's license" means a license or permit issued by 364  
the registrar of motor vehicles, or a deputy registrar, to operate 365  
a vehicle, whether or not conditions are attached to the license 366  
or permit and includes a driver's license, commercial driver's 367  
license, and a motorcycle operator's license or endorsement. 368

(J) "Durable power of attorney for health care" means a 369  
document created pursuant to sections 1337.11 to 1337.17 of the 370  
Revised Code. 371

(K) "Eye bank" means a person conducting operations in this 372  
state that is licensed, accredited, or regulated under federal or 373  
state law to engage in the recovery, screening, testing, 374  
processing, storage, or distribution of human eyes or portions of 375  
human eyes. 376

(L) "Guardian" means a person appointed by a court to make 377  
decisions regarding the support, care, education, health, or 378  
welfare of an individual. "Guardian" does not include a guardian 379  
ad litem. 380

(M) "Hospital" means a facility operated as a hospital under 381  
the laws of this or any other state or a facility operated as a 382  
hospital by the United States, this or any other state, or a 383  
subdivision of this or any other state. 384

(N) "Identification card" means an identification card issued 385  
by the registrar of motor vehicles or a deputy registrar. 386

(O) "Know" means to have actual knowledge. 387

(P) "Minor" means an individual who is under eighteen years 388  
of age. 389

(Q) "Organ procurement organization" means a person 390  
conducting operations in this state that is designated by the 391  
secretary of the United States department of health and human 392  
services as an organ procurement organization. 393

(R) "Parent" means a parent whose parental rights have not 394  
been terminated. 395

(S) "Part" means an organ, an eye, or tissue of a human 396  
being. "Part" does not include the whole body. 397

(T) "Person" means an individual, corporation, business 398  
trust, estate, trust, partnership, limited liability company, 399  
association, joint venture, public corporation, government or 400  
governmental subdivision, agency, or instrumentality, or any other 401  
legal or commercial entity. 402

(U) "Physician" means an individual authorized under Chapter 403  
4731. of the Revised Code to practice medicine and surgery, 404  
osteopathic medicine and surgery, or podiatric medicine and 405  
surgery, or an individual authorized under the laws of any other 406

state to practice medicine and surgery, osteopathic medicine and 407  
surgery, or podiatric medicine and surgery. 408

(V) "Procurement organization" means an eye bank, organ 409  
procurement organization, or tissue bank. 410

(W) "Prospective donor" means an individual who is dead or 411  
near death and has been determined by a procurement organization 412  
to have a part that could be medically suitable for 413  
transplantation, therapy, research, or education. "Prospective 414  
donor" does not include an individual who has made a refusal. 415

(X) "Reasonably available" means able to be contacted by a 416  
procurement organization without undue effort and willing and able 417  
to act in a timely manner consistent with existing medical 418  
criteria necessary for the making of an anatomical gift. 419

(Y) "Recipient" means an individual into whose body a 420  
decedent's part has been or is intended to be transplanted. 421

(Z) "Record" means information that is inscribed on a 422  
tangible medium or that is stored in an electronic or other medium 423  
and is retrievable in perceivable form. 424

(AA) "Refusal" means a record created under section 2108.07 425  
of the Revised Code that expressly states an intent to bar other 426  
persons from making an anatomical gift of an individual's body or 427  
part. 428

(BB) "Sign" means to do either of the following with the 429  
present intent to authenticate or adopt a record: 430

(1) Execute or adopt a tangible symbol; 431

(2) Attach to or logically associate with the record an 432  
electronic symbol, sound, or process. 433

(CC) "Technician" means an individual determined to be 434  
qualified to remove or process parts by an appropriate 435  
organization that is licensed, accredited, or regulated under 436

federal or state law. "Technician" includes an enucleator and an 437  
embalmer licensed pursuant to Chapter 4717. of the Revised Code 438  
who has completed a course in eye enucleation and has received a 439  
certificate of competency to that effect from a school of medicine 440  
recognized by the state medical board or from an eye bank that is 441  
a member of the eye bank association of America. 442

(DD) "Tissue" means a portion of the human body other than an 443  
organ or an eye. "Tissue" does not include blood unless the blood 444  
is donated for the purpose of research or education. 445

(EE) "Tissue bank" means a person conducting operations in 446  
this state that is licensed, accredited, or regulated under 447  
federal or state law to engage in the recovery, screening, 448  
testing, processing, storage, or distribution of tissue. 449

(FF) "Transplant hospital" means a hospital that furnishes 450  
organ transplants and other medical and surgical specialty 451  
services required for the care of transplant patients. 452

**Sec. ~~2108.09~~ 2108.02.** Sections 2108.01 to ~~2108.09, inclusive,~~ 453  
~~2108.29~~ of the Revised Code~~,~~ are enacted to adopt the Revised 454  
Uniform Anatomical Gift Act ~~(1968)~~ (2006), national conference of 455  
commissioners on uniform state laws~~,~~ and shall be construed so as 456  
to effectuate its general purpose to make uniform the law of those 457  
states which enact it. 458

**Sec. 2108.03.** Sections 2108.01 to 2108.29 of the Revised Code 459  
apply to an anatomical gift or amendment to, revocation of, or 460  
refusal to make an anatomical gift, whenever made. 461

**Sec. 2108.04.** Subject to section 2108.08 of the Revised Code, 462  
an anatomical gift of a donor's body or part may be made during 463  
the life of the donor for the purpose of transplantation, therapy, 464  
research, or education in the manner provided in section 2108.05 465



of the Revised Code by any of the following: 466

(A) The donor, if the donor is an adult or if the donor is a 467  
minor and either of the following applies: 468

(1) The donor is emancipated. 469

(2) The donor is authorized to apply for a temporary 470  
instruction permit issued under section 4507.05 of the Revised 471  
Code because the donor is at least fifteen years and six months of 472  
age. 473

(B) An agent of the donor, unless the durable power of 474  
attorney for health care or other record prohibits the agent from 475  
making an anatomical gift; 476

(C) A parent of the donor, if the donor is an unemancipated 477  
minor; 478

(D) The donor's guardian. 479

**Sec. 2108.05.** (A) A donor may make an anatomical gift by 480  
doing any of the following: 481

(1) Authorizing a statement or symbol to be imprinted on the 482  
donor's driver's license or identification card indicating that 483  
the donor has certified a willingness to make an anatomical gift; 484

(2) Specifying in the donor's will an intent to make an 485  
anatomical gift; 486

(3) Specifying an intent to make an anatomical gift in the 487  
donor's declaration as described in section 2133.16 of the Revised 488  
Code; 489

(4) During a terminal illness or injury of the donor, 490  
communicating in any manner to a minimum of two adults, at least 491  
one of whom is a disinterested witness, that the donor intends to 492  
make an anatomical gift; 493

(5) Following the procedure in division (B) of this section. 494

(B) A donor or other person authorized to make an anatomical 495  
gift under section 2108.04 of the Revised Code may make a gift by 496  
a donor card or other record signed by the donor or other person 497  
making the gift or by authorizing that a statement or symbol 498  
indicating that the donor has certified a willingness to make an 499  
anatomical gift be included in a donor registry. If the donor or 500  
other person is physically unable to sign a record, the record may 501  
be signed by another individual at the direction of the donor or 502  
other person and shall do both of the following: 503

(1) Be witnessed by at least two adults, at least one of whom 504  
is a disinterested witness, who have signed at the request of the 505  
donor or the other person; 506

(2) State that it has been signed and witnessed as provided 507  
in division (B)(1) of this section. 508

(C) Revocation, suspension, expiration, or cancellation of a 509  
driver's license or identification card upon which an anatomical 510  
gift is indicated does not invalidate the gift. 511

(D) An anatomical gift made by will takes effect on the 512  
donor's death whether or not the will is probated. Invalidation of 513  
the will after the donor's death does not invalidate the gift. 514

**Sec. 2108.06.** (A) Subject to section 2108.08 of the Revised 515  
Code, an anatomical gift made under section 2108.04 of the Revised 516  
Code may be amended by any of the following means: 517

(1) By a record signed by the donor or other person 518  
authorized to make an anatomical gift under section 2108.04 of the 519  
Revised Code; 520

(2) Subject to division (C) of this section, by a record 521  
signed by another individual acting at the direction of the donor 522  
or other person authorized to make an anatomical gift under 523

section 2108.04 of the Revised Code if the donor or other person 524  
is physically unable to sign; 525

(3) By a later-executed document of gift that amends a 526  
previous anatomical gift or portion of an anatomical gift, either 527  
expressly or by inconsistency; 528

(4) By any form of communication during a terminal illness or 529  
injury addressed to at least two adults; 530

(5) By a parent who is reasonably available, if the donor is 531  
an unemancipated minor who has died; 532

(6) If made in a will, by the manner provided for amendment 533  
of wills or by any of the applicable means described in divisions 534  
(B)(1) to (5) of this section. 535

(B) Subject to section 2108.08 of the Revised Code, an 536  
anatomical gift made under section 2108.04 of the Revised Code may 537  
be revoked by any of the following means: 538

(1) By a record signed by the donor or other person 539  
authorized to make an anatomical gift under section 2108.04 of the 540  
Revised Code; 541

(2) Subject to division (C) of this section, by a record 542  
signed by another individual acting at the direction of the donor 543  
or other person authorized to make an anatomical gift under 544  
section 2108.04 of the Revised Code if the donor or other person 545  
is physically unable to sign; 546

(3) By a later-executed document of gift that revokes a 547  
previous anatomical gift or portion of an anatomical gift, either 548  
expressly or by inconsistency; 549

(4) By any form of communication during a terminal illness or 550  
injury addressed to at least two adults; 551

(5) By a parent who is reasonably available, if the donor is 552  
an unemancipated minor who has died; 553

(6) By the destruction or cancellation of the document of gift, or the portion of the document of gift, used to make the gift, with the intent to revoke the gift; 554  
555  
556

(7) If made in a will, by the manner provided for revocation of wills or by any of the applicable means described in divisions (B)(1) to (6) of this section. 557  
558  
559

(C) A record signed pursuant to division (A)(2) or (B)(2) of this section shall do both of the following: 560  
561

(1) Be witnessed by a minimum of two adults who have signed at the request of the donor or other person; 562  
563

(2) State that it has been signed and witnessed as provided in division (C)(1) of this section. 564  
565

**Sec. 2108.07.** (A) An individual may refuse to make an anatomical gift of the individual's body or part by doing any of the following: 566  
567  
568

(1) Indicating a refusal in a record signed by either of the following: 569  
570

(a) The individual; 571

(b) Subject to division (B) of this section, another individual acting at the direction of the individual, if the individual is physically unable to sign. 572  
573  
574

(2) Indicating a refusal in the individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; 575  
576  
577

(3) Indicating a refusal by any form of communication made by the individual during the individual's terminal illness or injury addressed to a minimum of two adults. 578  
579  
580

(B) A record signed pursuant to division (A)(1)(b) of this section shall do both of the following: 581  
582

(1) Be witnessed by at least two adults who have signed at 583  
the request of the individual; 584

(2) State that it has been signed and witnessed as provided 585  
in division (B)(1) of this section. 586

(C) An individual who has made a refusal may amend or revoke 587  
the refusal by doing any of the following: 588

(1) Amending or revoking the refusal in the manner provided 589  
in division (A) of this section for making a refusal; 590

(2) Subsequently making an anatomical gift pursuant to 591  
section 2108.05 of the Revised Code that is inconsistent with the 592  
refusal; 593

(3) Destroying or canceling the record evidencing the 594  
refusal, or the portion of the record used to make the refusal, 595  
with the intent to revoke the refusal. 596

(D) Except as provided in division (E) of this section, in 597  
the absence of an express, contrary indication by the individual 598  
set forth in the refusal, an individual's unrevoked refusal to 599  
make an anatomical gift of the individual's body or part bars all 600  
other persons from making an anatomical gift of the individual's 601  
body or part. 602

(E) The parent of a deceased unemancipated minor who is 603  
reasonably available may revoke a refusal made by the minor. 604

**Sec. 2108.08.** (A) Subject to division (F) of this section, in 605  
the absence of an express, contrary indication by the donor, a 606  
person other than the donor shall be barred from making, amending, 607  
or revoking an anatomical gift of a donor's body or part if the 608  
donor made an anatomical gift of the donor's body or part under 609  
section 2108.05 of the Revised Code or an amendment to an 610  
anatomical gift of the donor's body or part under section 2108.06 611  
of the Revised Code. 612

(B) A donor's revocation of an anatomical gift of the donor's body or part under section 2108.06 of the Revised Code is not a refusal and shall not bar another person specified in section 2108.04 or 2108.09 of the Revised Code from making an anatomical gift of the donor's body or part under section 2108.05 or 2108.10 of the Revised Code.

(C) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 2108.05 of the Revised Code or an amendment to an anatomical gift of the donor's body or part under section 2108.06 of the Revised Code, another person shall not make, amend, or revoke the gift of the donor's body or part under section 2108.10 of the Revised Code.

(D) A revocation by a person other than the donor of an anatomical gift of a donor's body or part under section 2108.06 of the Revised Code shall not bar another person from making an anatomical gift of the body or part under section 2108.05 or 2108.10 of the Revised Code.

(E) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(F) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code, an anatomical gift of a part for one or more of the purposes set forth in section 2108.04 of the Revised Code shall not be a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or other person under section 2108.05 or 2108.10 of the Revised Code.

Sec. 2108.09. (A) Subject to divisions (B) and (C) of this section, and unless barred by section 2108.07 or 2108.08 of the Revised Code, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research, or education may be made in the manner provided for under section 2108.10 of the Revised Code by any member of the following classes of persons who is reasonably available, in the following order of priority:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under division (B) of section 2108.04 of the Revised Code immediately before the decedent's death;

(2) The decedent's surviving spouse;

(3) The decedent's surviving adult children;

(4) The decedent's surviving parent or parents;

(5) The decedent's surviving adult siblings;

(6) The decedent's surviving adult grandchildren;

(7) The decedent's surviving grandparent or grandparents;

(8) A surviving adult who exhibited special care and concern for the decedent;

(9) The persons who were acting as the guardians of the person of the decedent at the time of death;

(10) The persons, other than those in divisions (A)(1) to (9) of this section, to whom the right of disposition for the decedent's body has been assigned pursuant to section 2108.70 of the Revised Code or who have the right of disposition for the decedent's body as described in section 2108.81 of the Revised Code.

(B) If there is more than one member of a class listed in division (A)(1), (3), (4), (5), (6), (7), or (9) of this section entitled to make an anatomical gift, an anatomical gift may be

made by a single member of the class unless that member or a 673  
person to which the gift may pass under section 2108.11 of the 674  
Revised Code knows of an objection by another member of the class. 675  
If an objection is known, the gift may be made only by a majority 676  
of the members of the class who are reasonably available. 677

678

(C) A person shall not make an anatomical gift if, at the 679  
time of the decedent's death, a person in a prior class under 680  
division (A) of this section is reasonably available to make or 681  
object to the making of an anatomical gift. 682

**Sec. 2108.10.** (A) A person authorized to make an anatomical 683  
gift under section 2108.09 of the Revised Code may make an 684  
anatomical gift by a document of gift signed by the person making 685  
the gift or by that person's oral communication that is 686  
electronically recorded or is contemporaneously reduced to a 687  
record and signed by the individual receiving the oral 688  
communication. 689

(B) Subject to division (C) of this section, an anatomical 690  
gift made by a person authorized to make a gift under section 691  
2108.09 of the Revised Code may be amended or revoked orally or in 692  
a record by any member of a prior class who is reasonably 693  
available. If more than one member of the prior class is 694  
reasonably available, the gift made by a person authorized to make 695  
a gift under section 2108.09 of the Revised Code may be amended if 696  
a majority of the reasonably available members agree to the 697  
amendment or revoked if at least half of the reasonably available 698  
members agree to the revocation. 699

(C) A revocation under division (B) of this section shall be 700  
effective only if the procurement organization, transplant 701  
hospital, physician, or technician knows of the revocation, before 702  
an incision has been made to remove a part from the donor's body 703



or before invasive procedures have begun to prepare the recipient. 704  
705

Sec. 2108.11. (A) An anatomical gift may be made to any of 706  
the following persons named in the document of gift: 707

(1) A hospital; an accredited medical school, dental school, 708  
college, or university; an organ procurement organization; or 709  
another appropriate person, for research or education; 710

(2) Subject to division (B) of this section, an individual 711  
designated by the person making the anatomical gift if the 712  
individual is the recipient of the part; 713

(3) An eye bank or tissue bank. 714

(B) If an anatomical gift to an individual under division 715  
(A)(2) of this section cannot be transplanted into the individual, 716  
the part shall pass in accordance with division (G) of this 717  
section in the absence of an express, contrary indication by the 718  
person making the anatomical gift. 719

(C) If an anatomical gift of one or more specific parts or of 720  
all parts is made in a document of gift that does not name a 721  
person described in division (A) of this section but identifies 722  
the purpose for which an anatomical gift may be used, the 723  
following rules apply: 724

(1) If the part is an eye and the gift is for the purpose of 725  
transplantation or therapy, the gift shall pass to the appropriate 726  
eye bank. 727

(2) If the part is tissue and the gift is for the purpose of 728  
transplantation or therapy, the gift shall pass to the appropriate 729  
tissue bank. 730

(3) If the part is an organ and the gift is for the purpose 731  
of transplantation or therapy, the gift shall pass to the 732  
appropriate organ procurement organization as custodian of the 733

organ. 734

(4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift shall pass to the appropriate procurement organization. 735  
736  
737

(D) For the purpose of division (C) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education. 738  
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(E) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in division (A) of this section and does not identify the purpose of the gift, the gift shall be used only for transplantation or therapy, and the gift shall pass in accordance with division (G) of this section. 744  
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(F) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift shall be used only for transplantation or therapy, and the gift shall pass in accordance with division (G) of this section. 750  
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(G) For purposes of divisions (B), (E), and (F) of this section, the following rules apply: 756  
757

(1) If the part is an eye, the gift shall pass to the appropriate eye bank. 758  
759

(2) If the part is tissue, the gift shall pass to the appropriate tissue bank. 760  
761

(3) If the part is an organ, the gift shall pass to the appropriate organ procurement organization as custodian of the 762  
763

organ. 764

(H) An anatomical gift of an organ for transplantation or 765  
therapy, other than an anatomical gift under division (A)(2) of 766  
this section, shall pass to the organ procurement organization as 767  
custodian of the organ. 768

(I) If an anatomical gift does not pass pursuant to divisions 769  
(A) to (H) of this section, or the decedent's body or part is not 770  
used for transplantation, therapy, research, or education, custody 771  
of the body or part shall pass to the person to whom the right of 772  
disposition for the decedent's body has been assigned pursuant to 773  
section 2108.70 of the Revised Code or who has the right of 774  
disposition for the decedent's body as described in section 775  
2108.81 of the Revised Code. 776

(J) A person shall not accept an anatomical gift if the 777  
person knows that the gift was not effectively made under section 778  
2108.05 or 2108.10 of the Revised Code, or if the person knows 779  
that the decedent made a refusal under section 2108.07 of the 780  
Revised Code that was not revoked. For purposes of this division, 781  
if a person knows that an anatomical gift was made on a document 782  
of gift, the person is deemed to know of any amendment or 783  
revocation of the gift or any refusal to make an anatomical gift 784  
on the same document of gift. 785

(K) Except as otherwise provided in division (A)(2) of this 786  
section, nothing in sections 2108.01 to 2108.29 of the Revised 787  
Code affects the allocation of organs for transplantation or 788  
therapy. 789

**Sec. 2108.12.** (A) If any of the following persons, while 790  
acting in the course of the person's official duties, finds an 791  
individual and reasonably believes that the individual is dead or 792  
near death, the person shall make a reasonable search of the body 793  
of the individual for a document of gift or other information 794

<u>identifying the individual as a donor or as an individual who made</u>	795
<u>a refusal:</u>	796
<u>(1) A law enforcement officer as defined in section 2901.01</u>	797
<u>of the Revised Code;</u>	798
<u>(2) A member of a fire department as defined in section</u>	799
<u>4117.01 of the Revised Code;</u>	800
<u>(3) A first responder, emergency medical technician-basic,</u>	801
<u>emergency medical technician-intermediate, or emergency medical</u>	802
<u>technician-paramedic, as those terms are defined in section</u>	803
<u>4765.01 of the Revised Code.</u>	804
<u>(B) If a document of gift or refusal to make an anatomical</u>	805
<u>gift is located by the search required by division (A) of this</u>	806
<u>section, and the individual or deceased individual to whom it</u>	807
<u>relates is taken to a hospital, the person responsible for</u>	808
<u>conducting the search shall send the document of gift or refusal</u>	809
<u>to the hospital.</u>	810
<u>(C) A person is not subject to criminal or civil liability</u>	811
<u>for failing to discharge the duties imposed by this section but</u>	812
<u>may be subject to any of the following:</u>	813
<u>(1) Disciplinary action under a collective bargaining</u>	814
<u>agreement, if the person is covered by a collective bargaining</u>	815
<u>agreement entered into under Chapter 4117. of the Revised Code;</u>	816
<u>(2) Disciplinary action under section 124.34 of the Revised</u>	817
<u>Code, if the person is an officer or employee in the classified</u>	818
<u>service of this state or the counties, civil service townships,</u>	819
<u>cities, city health districts, general health districts, or city</u>	820
<u>school districts of this state;</u>	821
<u>(3) Disciplinary action by the person's employer.</u>	822
<b><u>Sec. 2108.13. (A) A document of gift need not be delivered</u></b>	823

during the donor's lifetime to be effective. 824

(B) On or after an individual's death, a person in possession 825  
of a document of gift or a refusal to make an anatomical gift with 826  
respect to the individual shall allow examination and copying of 827  
the document of gift or refusal by a person authorized to make or 828  
object to the making of an anatomical gift with respect to the 829  
individual or by a person to which the gift could pass under 830  
section 2108.11 of the Revised Code. 831

**Sec. 2108.14.** (A) When a hospital employee or agent refers an 832  
individual at or near death to a procurement organization, the 833  
organization shall make a reasonable search of the records of the 834  
bureau of motor vehicles and any donor registry that it knows 835  
exists for the geographical area in which the individual resides 836  
to ascertain whether the individual has made an anatomical gift. 837  
The bureau of motor vehicles shall allow the procurement 838  
organization reasonable access to its records for purposes of 839  
ascertaining whether the individual is a donor. 840

(B) When a hospital employee or agent refers an individual at 841  
or near death to a procurement organization, the organization may 842  
conduct any reasonable examination necessary to ensure the medical 843  
suitability of a part that is or could be the subject of an 844  
anatomical gift for transplantation, therapy, research, or 845  
education from a donor or prospective donor. During the 846  
examination period, measures necessary to ensure the medical 847  
suitability of the part shall not be withdrawn unless the hospital 848  
or procurement organization knows that the individual expressed a 849  
contrary intent. 850

(C) Unless prohibited by law other than sections 2108.01 to 851  
2108.29 of the Revised Code, at any time after a donor's death, 852  
the person to which a part passes under section 2108.11 of the 853

Revised Code may conduct any reasonable examination necessary to 854  
ensure the medical suitability of the body or part for its 855  
intended purpose. 856

(D) Unless prohibited by law other than sections 2108.01 to 857  
2108.29 of the Revised Code, an examination under division (B) or 858  
(C) of this section may include an examination of all medical and 859  
dental records of the donor or prospective donor. 860

(E) Upon the death of a minor who was a donor or had signed a 861  
refusal, unless a procurement organization knows the minor was 862  
emancipated, the procurement organization shall conduct a 863  
reasonable search for the parents of the minor and provide the 864  
parents with an opportunity to revoke or amend the anatomical gift 865  
or revoke the refusal. 866

(F) Upon referral by a hospital under division (A) of this 867  
section, a procurement organization shall make a reasonable search 868  
for any person listed in section 2108.09 of the Revised Code 869  
having an opportunity to make an anatomical gift on behalf of the 870  
prospective donor. If a procurement organization receives 871  
information that an anatomical gift to any other person was made, 872  
amended, or revoked, it shall promptly advise the other person of 873  
all relevant information. 874

**Sec. 2108.15.** Subject to division (I) of section 2108.11 and 875  
sections 2108.26 to 2108.272 of the Revised Code, the rights of 876  
the person to which a part passes under section 2108.11 of the 877  
Revised Code shall be superior to the rights of all others with 878  
respect to the part. The person may accept or reject an anatomical 879  
gift in whole or in part. 880

Subject to the terms of the document of gift and sections 881  
2108.01 to 2108.29 of the Revised Code, a person that accepts an 882  
anatomical gift of an entire body may allow embalming, burial, or 883  
cremation, and use of remains in a funeral service. If the gift is 884

of a part, the person to whom the part passes under section 2108.11 of the Revised Code, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the decedent's body passes to the persons to whom the right of disposition for the body has been assigned pursuant to section 2108.70 of the Revised Code or who have the right of disposition for the body as described in section 2108.81 of the Revised Code. 885  
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Sec. 2108.16. (A) Except as provided in division (B) of this section, a physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove. 894  
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(B) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death shall participate in the procedures for removing or transplanting a part from the decedent. 898  
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Sec. 2108.17. Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts. 902  
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904

Sec. 2108.18. (A) Except as otherwise provided in division (B) of this section, no person shall, for valuable consideration, knowingly purchase or sell a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death. 905  
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(B) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part. 910  
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Sec. 2108.19. No person shall intentionally falsify, forge, 913

conceal, deface, or obliterate a document of gift, an amendment or 914  
revocation of a document of gift, or a refusal in order to obtain 915  
a financial gain. 916

**Sec. 2108.20.** (A) A person who acts in accordance with 917  
sections 2108.01 to 2108.29 of the Revised Code or with the 918  
applicable anatomical gift laws of another state, or attempts in 919  
good faith to do so, is not liable for the act in a civil action, 920  
criminal prosecution, or administrative proceeding. 921

(B) Neither the person making the anatomical gift nor the 922  
donor's estate is liable for any injury or damage that results 923  
from the making or use of the gift. 924

**Sec. 2108.21.** In determining whether an anatomical gift has 925  
been made, amended, or revoked under sections 2108.01 to 2108.29 926  
of the Revised Code, a person may rely upon representations of an 927  
individual listed in division (A)(2), (3), (4), (5), (6), (7), or 928  
(8) of section 2108.09 of the Revised Code relating to the 929  
individual's relationship to the donor or prospective donor unless 930  
the person knows that the representation is untrue. 931

**Sec. 2108.22.** (A) A document of gift is valid if executed in 932  
accordance with any of the following: 933

(1) Sections 2108.01 to 2108.29 of the Revised Code; 934

(2) The laws of the state or country where it was executed; 935

(3) The laws of the state or country where the person making 936  
the anatomical gift was domiciled, has a place of residence, or 937  
was a resident or national at the time the document of gift was 938  
executed. 939

(B) If a document of gift is valid under this section, the 940  
law of this state shall govern the interpretation of the document 941



of gift. 942

(C) A person may presume that a document of gift or amendment 943  
of an anatomical gift is valid unless that person knows that it 944  
was not validly executed or was revoked. 945

**Sec. ~~2108.18~~ 2108.23.** (A)(1) The bureau of motor vehicles 946  
shall develop and maintain a donor registry that identifies each 947  
individual who has agreed to make an anatomical gift by a 948  
designation on a driver's ~~or commercial driver's~~ license or 949  
~~motorcycle operator's license or endorsement~~ identification card 950  
as provided in division ~~(C)~~(A)(1) of section ~~2108.04~~ 2108.05 of 951  
the Revised Code. The registry shall be fully operational not 952  
later than July 1, 2002. 953

(2) Any person who provides to the bureau the form set forth 954  
in division ~~(C)~~(D)(2) of section 2133.07 of the Revised Code 955  
requesting to be included in the donor registry shall be included. 956

(B) The bureau shall maintain the registry in a manner that 957  
provides to organ procurement organizations, tissue banks, and eye 958  
banks immediate access to the information in the registry 959  
twenty-four hours a day and seven days a week. 960

(C)(1) The registrar of motor vehicles, in consultation with 961  
the director of health and the second chance trust fund advisory 962  
committee created under section ~~2108.17~~ 2108.35 of the Revised 963  
Code, shall formulate proposed rules that specify all of the 964  
following: 965

(a) The information to be included in the registry; 966

(b) A process, in ~~addition to that provided for in~~ accordance 967  
with division (B) of section 2108.06 of the Revised Code, for an 968  
individual to revoke the individual's intent to make an anatomical 969  
gift and for updating information in the registry; 970

(c) How the registry will be made available to organ 971

procurement organizations, tissue banks, and eye banks;	972
(d) Limitations on the use of and access to the registry;	973
(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;	974 975 976
(f) Anything else the registrar considers appropriate.	977
(2) In <del>formulating</del> <u>adopting</u> 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.	978 979 980 981
(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.	982 983 984
(D) The costs of developing and initially implementing the registry shall be paid from the second chance trust fund created in section <del>2108.15</del> <u>2108.34</u> of the Revised Code.	985 986 987
<b><u>Sec. 2108.24.</u></b> (A) As used in this section:	988
<u>(1) "Advance health-care directive" means a durable power of attorney for health care or a record signed by a prospective donor containing the prospective donor's direction concerning a health-care decision.</u>	989 990 991 992
<u>(2) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.</u>	993 994
<u>(3) "Health care decision" means any decision regarding the health care of the prospective donor.</u>	995 996
<u>(B) If a prospective donor has a declaration or advance health-care directive the terms of which are in conflict with the express or implied terms of a potential anatomical gift with regard to administration of measures necessary to ensure the</u>	997 998 999 1000

medical suitability of a part for transplantation or therapy and 1001  
the prospective donor is capable of resolving the conflict, 1002  
subject to division (G) of this section, the prospective donor's 1003  
attending physician shall confer with the prospective donor to 1004  
resolve the conflict. 1005

(C) If a prospective donor has a declaration or advance 1006  
health-care directive the terms of which are in conflict with the 1007  
express or implied terms of a potential anatomical gift with 1008  
regard to administration of measures necessary to ensure the 1009  
medical suitability of a part for transplantation or therapy and 1010  
the prospective donor is incapable of resolving the conflict, one 1011  
of the following shall apply depending on the circumstances: 1012

(1) If the prospective donor has an agent, the agent shall, 1013  
subject to division (G) of this section, act for the prospective 1014  
donor to resolve the conflict. 1015

(2) If the prospective donor does not have an agent, the 1016  
individual or class of individuals determined in the following 1017  
descending order of priority and subject to divisions (D), (E), 1018  
(F), and (G) of this section shall act for the prospective donor 1019  
to resolve the conflict: 1020

(a) The prospective donor's surviving spouse; 1021

(b) The prospective donor's surviving adult children; 1022

(c) The prospective donor's surviving parent or parents; 1023

(d) The prospective donor's surviving adult siblings; 1024

(e) The prospective donor's surviving adult grandchildren; 1025

(f) The prospective donor's surviving grandparent or 1026  
grandparents; 1027

(g) A surviving adult who exhibited special care and concern 1028  
for the prospective donor; 1029

(h) The prospective donor's guardians of the person; 1030

(i) The persons, other than those in divisions (C)(2)(a) to 1031  
(h) of this section, to whom the prospective donor has assigned 1032  
the right of disposition for the prospective donor's body pursuant 1033  
to section 2108.70 of the Revised Code or who have the right of 1034  
disposition for the prospective donor's body at the time of death 1035  
as described in section 2108.81 of the Revised Code. 1036

(D) If an appropriate individual entitled to resolve a 1037  
conflict between the terms of a prospective donor's declaration or 1038  
advance health-care directive and the express or implied terms of 1039  
a potential anatomical gift as described in division (C) of this 1040  
section is not reasonably available to resolve the conflict, is 1041  
incapacitated, or declines to resolve the conflict, the next 1042  
priority individual or class of individuals specified in that 1043  
division is authorized to resolve the conflict. 1044

(E) If at least one individual in a class of individuals 1045  
entitled to resolve a conflict between the terms of a prospective 1046  
donor's declaration or advance health-care directive and the 1047  
express or implied terms of a potential anatomical gift is not 1048  
reasonably available, is incapacitated, or declines to resolve the 1049  
conflict, the conflict shall be resolved by the individual or 1050  
individuals in the class who are reasonably available, not 1051  
incapacitated, and willing to resolve the conflict. 1052

(F) If individuals in a class of individuals determined in 1053  
accordance with division (C)(2) of this section disagree on how a 1054  
conflict between the terms of a prospective donor's declaration or 1055  
advance health-care directive and the express or implied terms of 1056  
a potential anatomical gift should be resolved, the opinion of the 1057  
majority of the individuals who are reasonably available, not 1058  
incapacitated, and are willing to resolve the conflict shall 1059  
prevail. 1060

(G) A conflict between the terms of a prospective donor's 1061  
declaration or directive and the express or implied terms of a 1062

potential anatomical gift with regard to the administration of 1063  
measures necessary to ensure the medical suitability of a part for 1064  
transplantation or therapy shall be resolved as expeditiously as 1065  
possible. Information relevant to the resolution of the conflict 1066  
may be obtained from the appropriate procurement organization and 1067  
any other person authorized to make an anatomical gift for the 1068  
prospective donor under section 2108.09 of the Revised Code. 1069  
Before resolution of the conflict, measures necessary to ensure 1070  
the medical suitability of the part shall not be withheld or 1071  
withdrawn from the prospective donor unless withholding or 1072  
withdrawing the measures is necessary for appropriate end-of-life 1073  
care. 1074

**Sec. 2108.25.** As used in this section and sections 2108.26 to 1075  
2108.272 of the Revised Code, "coroner" includes a medical 1076  
examiner. 1077

A coroner shall cooperate with procurement organizations as 1078  
described in sections 2108.26 to 2108.271 of the Revised Code to 1079  
maximize the opportunity to recover anatomical gifts for the 1080  
purpose of transplantation, therapy, research, or education. 1081

**Sec. 2108.26.** On request of a procurement organization, a 1082  
coroner shall, if such information is available, release to the 1083  
procurement organization the name, contact information, and 1084  
available medical and social history of a decedent whose body is 1085  
under the jurisdiction of the coroner. 1086

If the decedent's body or part is medically suitable for 1087  
life-saving organ transplantation or therapy, the coroner shall 1088  
release post-mortem examination results to the procurement 1089  
organization. The procurement organization shall make a subsequent 1090  
disclosure of the post-mortem examination results or other 1091  
information received from the coroner only if relevant to 1092

life-saving organ transplantation or therapy. 1093

Sec. 2108.261. A coroner may conduct a medicolegal 1094  
examination by reviewing all medical records, laboratory test 1095  
results, x-rays, other diagnostic results, and other information 1096  
that any person possesses about a donor or prospective donor whose 1097  
body is under the jurisdiction of the coroner which the coroner 1098  
determines may be relevant to the investigation. 1099

Sec. 2108.262. A person that has any information requested by 1100  
a coroner pursuant to section 2108.261 of the Revised Code shall 1101  
provide that information as expeditiously as possible to allow the 1102  
coroner to conduct the medicolegal investigation within a period 1103  
compatible with the preservation of parts for the purpose of 1104  
life-saving organ transplantation or therapy. 1105

Sec. 2108.263. A coroner and procurement organization shall 1106  
cooperate in the timely removal of a part from a decedent for the 1107  
purpose of life-saving organ transplantation or therapy if an 1108  
anatomical gift has been or might be made of the part and either 1109  
of the following is the case: 1110

(A) The decedent's body is under the jurisdiction of the 1111  
coroner and a post-mortem examination or autopsy is not required. 1112

(B) The decedent has been referred to the coroner for 1113  
post-mortem examination, it is determined that an autopsy is 1114  
required, and after consultation with the prosecuting attorney, if 1115  
a consultation is necessary, it is determined that the recovery of 1116  
the part will not interfere with the autopsy. 1117

Sec. 2108.264. If an anatomical gift of a part from a 1118  
decedent under the jurisdiction of the coroner has been or might 1119  
be made and, after any necessary consultation with the prosecuting 1120  
attorney, it is determined that the recovery of the part could 1121

interfere with the determination of the decedent's cause or manner 1122  
of death, the coroner shall communicate with a procurement 1123  
organization or physician or technician designated by the 1124  
procurement organization about the proposed recovery. The 1125  
procurement organization shall provide the coroner with all 1126  
information the procurement organization has that could relate to 1127  
the cause or manner of death. The coroner shall allow the recovery 1128  
unless the coroner reasonably believes that the part or the 1129  
decedent's intact body is needed for law enforcement purposes. 1130

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Sec. 2108.265. A coroner and a procurement organization shall 1132  
enter into an agreement establishing protocols and procedures 1133  
governing the relations between them when an anatomical gift of a 1134  
part from a decedent whose body is under the jurisdiction of the 1135  
coroner has been or might be made, but the coroner believes that 1136  
the recovery of the part could interfere with the post-mortem 1137  
investigation into the decedent's cause or manner of death. 1138  
Decisions regarding the recovery of the part from the decedent 1139  
shall be made in accordance with the agreement. The coroner and 1140  
procurement organization shall evaluate the effectiveness of the 1141  
agreement at regular intervals but not less than every two years. 1142

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Sec. 2108.266. In the absence of an agreement entered into 1144  
under section 2108.265 of the Revised Code establishing protocols 1145  
and procedures governing the relations between a coroner and a 1146  
procurement organization, if the coroner intends to deny recovery 1147  
of an organ for transplantation or therapy from a decedent whose 1148  
body is under the jurisdiction of the coroner, the coroner or the 1149  
coroner's designee, at the request of the procurement 1150  
organization, shall attend the removal procedure for the organ 1151

before making a final determination not to allow the procurement organization to recover the organ. During the removal procedure, the coroner or the coroner's designee may allow recovery by the procurement organization to proceed, or, if the coroner or the coroner's designee reasonably believes that the organ may be involved in determining the decedent's cause or manner of death or that the organ or the decedent's intact body is needed for law enforcement purposes, deny recovery by the procurement organization.

A coroner may designate another coroner or employees of another coroner's office to act on the coroner's behalf under this section.

**Sec. 2108.267.** (A) Except as provided in division (B) of this section, if the coroner or the coroner's designee denies recovery of an organ, tissue, or eye from a decedent whose body is under the jurisdiction of the coroner, the coroner or designee shall do all of the following:

(1) Explain in a record the specific reasons for not allowing recovery of the part;

(2) Include in the records of the coroner the specific reasons for not allowing recovery of the part;

(3) Provide a record with the specific reasons for not allowing recovery of the part to the procurement organization.

(B) The requirements of division (A) of this section do not apply when a coroner or designee denies recovery of an organ from a decedent under two years of age.

**Sec. 2108.268.** If a procurement organization refuses to accept an anatomical gift of a part from a decedent whose body is under the jurisdiction of a coroner, the organization shall



explain to the coroner, in writing, the organization's reasons for 1181  
not accepting the part. 1182

Sec. 2108.269. If the coroner or the coroner's designee 1183  
allows recovery of a part under section 2108.263, 2108.264, 1184  
2108.265, or 2108.266 of the Revised Code, the procurement 1185  
organization shall, on the coroner's request, cooperate with the 1186  
coroner in any documentation of injuries and the preservation and 1187  
collection of evidence prior to and during the recovery of the 1188  
part and shall provide the coroner with a record describing the 1189  
condition of the part, a biopsy, a photograph, and any other 1190  
information and observations that would assist in the post-mortem 1191  
examination. 1192

Sec. 2108.27. If a coroner or a coroner's designee attends a 1193  
removal procedure under section 2108.266 of the Revised Code, on 1194  
request of the coroner or coroner's designee the procurement 1195  
organization requesting the recovery of the organ shall reimburse 1196  
the office of the coroner for the additional costs incurred in 1197  
attending the removal procedure. Any reimbursement made under this 1198  
section shall be applied directly to, and used only for the 1199  
purpose of, offsetting the salary, wages, and expenses of the 1200  
coroner's office. 1201

Sec. 2108.271. Any recovery or removal procedure conducted 1202  
under section 2108.263, 2108.264, 2108.265, or 2108.266 of the 1203  
Revised Code shall be conducted within a period compatible with 1204  
the preservation of parts for the purpose of transplantation, 1205  
therapy, research, or education. 1206

Sec. 2108.272. A coroner or coroner's designee shall not be 1207  
subject to liability in tort or other civil action for denying 1208  
recovery of a part from a decedent whose body is under the 1209

jurisdiction of the coroner. 1210

Sec. 2108.28. In applying and construing the Revised Uniform Anatomical Gift Act enacted in sections 2108.01 to 2108.29 of the Revised Code, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. 1211  
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Sec. 2108.29. This section and sections 2108.01 to 2108.28 of the Revised Code modify, limit, and supersede the "Electronic Signatures in Global and National Commerce Act," 15 U.S.C. 7001 et seq., but do not modify, limit, or supersede section 101(a) of that act, 15 U.S.C. 7001, or authorize electronic delivery of any of the notices described in division 103(b) of that act, 15 U.S.C. 7003(b). 1216  
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Nothing in this section, or sections 2108.01 to 2108.28 of the Revised Code, negates the applicability of sections 1306.01 to 1306.15 of the Revised Code to this section or sections 2108.01 to 2108.28 of the Revised Code. 1223  
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Sec. ~~2108.11~~ 2108.30. Subject to the prohibition in section ~~2108.12~~ 2108.18 of the Revised Code, the procuring, furnishing, donating, processing, distributing, or using of human whole blood, plasma, blood products, blood derivatives, and products, corneas, bones, organs, or other human tissue except hair, for the purpose of injecting, transfusing, or transplanting the fluid or body part in another human body, is considered for all purposes as the rendition of a service by every person participating in the act and not a sale of any such fluid or body part. No warranties of any kind or description are applicable to the act. 1227  
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Sec. ~~2108.21~~ 2108.31. Any person seventeen years of age or older may donate blood in a voluntary blood program, which is not 1237  
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operated for profit, without consent of ~~his~~ the person's parent or 1239  
guardian. Before obtaining blood donations from students at high 1240  
schools, joint vocational schools, or technical schools, a blood 1241  
program shall arrange for the dissemination of written donation 1242  
information to students to be shared with their parents or 1243  
guardians. This information shall include a statement that the 1244  
students will be requested to donate blood. 1245

**Sec. ~~2108.19~~ 2108.32.** The bureau of motor vehicles shall 1246  
maintain a toll-free telephone number available twenty-four hours 1247  
a day that the public may use to obtain information on becoming an 1248  
organ, tissue, or eye donor as provided in section ~~2108.04~~ 2108.05 1249  
of the Revised Code. The bureau of motor vehicles shall pay the 1250  
costs of maintaining the toll-free telephone number. 1251

**Sec. ~~2108.20~~ 2108.33.** The bureau of motor vehicles, registrar 1252  
of motor vehicles, deputy registrars of motor vehicles, and agents 1253  
and employees of the bureau of motor vehicles are not liable for 1254  
damages in any civil action or subject to prosecution in a 1255  
criminal proceeding for acting, attempting to act, or failing to 1256  
act in accordance with section ~~2108.18, 2108.19~~ 2108.23, 2108.32, 1257  
or 4501.024 of the Revised Code, unless the act, attempt, or 1258  
omission was committed or omitted with malicious purpose, in bad 1259  
faith, or in a wanton or reckless manner. 1260

**Sec. ~~2108.15~~ 2108.34.** (A) There is hereby created in the 1261  
state treasury the second chance trust fund. The fund shall 1262  
consist of voluntary contributions deposited as provided in 1263  
sections 4503.721, 4506.081, 4507.231, and 4507.501 of the Revised 1264  
Code. All investment earnings of the fund shall be credited to the 1265  
fund. 1266

(B) The director of health shall use the money in the fund 1267  
only for the following purposes: 1268

(1) Development and implementation of a campaign that explains and promotes the second chance trust fund;	1269 1270
(2) Development and implementation of local and statewide public education 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;	1271 1272 1273 1274
(3) Development and implementation of local and statewide donor awareness programs in schools;	1275 1276
(4) Development and implementation of local and statewide programs to recognize donor families;	1277 1278
(5) Development and distribution of materials promoting organ, tissue, and eye donation;	1279 1280
(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;	1281 1282 1283 1284 1285 1286 1287 1288
(7) Cooperation with the state medical board, state medical, osteopathic, and <del>ophthalmological</del> <u>ophthalmological</u> 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;	1289 1290 1291 1292 1293 1294
<del>(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;</del>	1295 1296 1297 1298

(9) Development of statewide hospital training programs to encourage and facilitate compliance with <del>section 2108.021</del> <u>sections 2108.14 and 2108.15</u> of the Revised Code <del>concerning circumstances under which an anatomical gift is required to be requested;</del>	1299 1300 1301 1302
<del>(10)</del> (9) 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;	1303 1304 1305
<del>(11)</del> (10) Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section <del>2108.17</del> <u>2108.35</u> of the Revised Code;	1306 1307 1308
<del>(12)</del> (11) Reimbursement of members of the second chance fund advisory committee for actual and necessary expenses incurred in the performance of official duties.	1309 1310 1311
(C) The director shall make the materials developed under division (B)(5) of this section available to other state agencies.	1312 1313
(D) The director shall consider recommendations made by the second chance trust fund advisory committee pursuant to section <del>2108.17</del> <u>2108.35</u> of the Revised Code. The director shall determine the appropriateness of and approve or disapprove projects recommended by the advisory committee for funding and approve or disapprove the disbursement of money from the second chance trust fund.	1314 1315 1316 1317 1318 1319 1320
<b>Sec. <del>2108.17</del> <u>2108.35</u>.</b> (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of thirteen members. The members shall include the following:	1321 1322 1323 1324
(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;	1325 1326 1327
(2) One representative of each of the following appointed by	1328

the director of health:	1329
(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;	1330 1331
(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;	1332 1333
(c) An Ohio eye bank that is certified by the eye bank association of America;	1334 1335
(d) The Ohio solid organ transplantation consortium;	1336
(e) A hospital to which both of the following apply:	1337
(i) It is a member of the Ohio hospital association.	1338
(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.	1339 1340 1341
(f) The department of health.	1342
(3) <del>Except as provided in division (C) of this section, three</del> <u>Three</u> members of the public appointed by the director who are not affiliated with <del>recovery agencies</del> <u>procurement organizations</u> ;	1343 1344 1345
(4) Two members appointed by the director who are either affiliated with <del>recovery agencies</del> <u>procurement organizations</u> or members of the public.	1346 1347 1348
(B) 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.	1349 1350 1351 1352 1353 1354 1355 1356
(C) <del>The members initially appointed under division (A)(3) of</del>	1357

~~this section shall be representatives of the following:~~ 1358

~~(1) An organ procurement organization in Ohio designated by 1359  
the United States secretary of health and human services that is 1360  
not represented by the appointment under division (A)(2)(a) of 1361  
this section;~~ 1362

~~(2) An Ohio tissue bank that is an accredited member of the 1363  
American association of tissue banks, not affiliated with an organ 1364  
procurement organization, and not represented by the appointment 1365  
under division (A)(2)(b) of this section;~~ 1366

~~(3) An Ohio eye bank that is certified by the eye bank 1367  
association of America, not affiliated with an organ procurement 1368  
organization, and not represented by the appointment under 1369  
division (A)(2)(c) of this section.~~ 1370

~~The three members shall serve until the proposed rules under 1371  
section 2108.18 of the Revised Code are formulated. After the 1372  
initial appointments, the director shall appoint three members of 1373  
the public who are not affiliated with recovery agencies to serve 1374  
terms of three years.~~ 1375

~~(D) Members appointed under division (A)(2), (3), or (4) of 1376  
this section shall be geographically and demographically 1377  
representative of the state. No more than a total of three members 1378  
appointed under divisions (A)(2), (3), and (4) of this section 1379  
shall be affiliated with the same recovery agency procurement 1380  
organization or group of recovery agencies procurement 1381  
organizations. Recovery agencies Procurement organizations that 1382  
recover only one type of organ, tissue, or part, as well as 1383  
recovery agencies procurement organizations that recover more than 1384  
one type of organ, tissue, or part, shall be represented. 1385~~

~~No individual appointed under division (A)(2), (3), or (4) of 1386  
this section shall serve more than two consecutive terms, 1387  
regardless of whether the terms were full or partial terms. Each 1388~~

member shall serve from the date of appointment until the member's 1389  
successor is appointed. All vacancies on the committee shall be 1390  
filled for the balance of the unexpired term in the same manner as 1391  
the original appointment. 1392

~~(E)~~(D) The committee shall annually elect a chairperson from 1393  
among its members and shall establish procedures for the 1394  
governance of its operations. The committee shall meet at least 1395  
semiannually. It shall submit an annual report of its activities 1396  
and recommendations to the director of health. 1397

~~(F)~~(E) Committee members shall serve without compensation, 1398  
but shall be reimbursed from the second chance trust fund for all 1399  
actual and necessary expenses incurred in the performance of 1400  
official duties. 1401

~~(G)~~(F) The committee shall do all of the following: 1402

(1) Make recommendations to the director of health for 1403  
projects for funding from the second chance trust fund; 1404

(2) Consult with the registrar of motor vehicles in 1405  
formulating proposed rules under division (C)(1) of section 1406  
~~2108.18~~ 2108.23 of the Revised Code; 1407

(3) As requested, consult with the registrar or director on 1408  
other matters related to organ donation; 1409

(4) Approve brochures, written materials, and electronic 1410  
media regarding anatomical gifts and anatomical gift procedures 1411  
for use in driver training schools pursuant to section 4508.021 of 1412  
the Revised Code. 1413

~~(H)~~(G) The committee is not subject to section 101.84 of the 1414  
Revised Code. 1415

**Sec. ~~2108.30~~ 2108.40.** An individual is dead if ~~he~~ the 1416  
individual has sustained either irreversible cessation of 1417  
circulatory and respiratory functions or irreversible cessation of 1418



all functions of the brain, including the brain stem, as 1419  
determined in accordance with accepted medical standards. If the 1420  
respiratory and circulatory functions of a person are being 1421  
artificially sustained, under accepted medical standards a 1422  
determination that death has occurred is made by a physician by 1423  
observing and conducting a test to determine that the irreversible 1424  
cessation of all functions of the brain has occurred. 1425

A physician who makes a determination of death in accordance 1426  
with this section and accepted medical standards is not liable for 1427  
damages in any civil action or subject to prosecution in any 1428  
criminal proceeding for ~~his~~ the physician's acts or the acts of 1429  
others based on that determination. 1430

Any person who acts in good faith in reliance on a 1431  
determination of death made by a physician in accordance with this 1432  
section and accepted medical standards is not liable for damages 1433  
in any civil action or subject to prosecution in any criminal 1434  
proceeding for ~~his~~ the person's actions. 1435

**Sec. 2108.78.** If a declarant or deceased adult has made a 1436  
~~valid declaration of an anatomical gift by will or any other~~ 1437  
~~document or means described in section 2108.04~~ under sections 1438  
2108.01 to 2108.29 of the Revised Code, any person to whom the 1439  
declarant has assigned the right of disposition under section 1440  
2108.70 of the Revised Code, or who has the right as described in 1441  
section 2108.81 of the Revised Code, is bound by the ~~declaration~~ 1442  
~~of the~~ anatomical gift and must follow the instructions associated 1443  
with the gift before making any decisions or taking any other 1444  
actions associated with the right. 1445

**Sec. 2108.99.** Whoever violates division (A) of section 1446  
2108.12 2108.18 or section 2108.19 of the Revised Code is guilty 1447  
of ~~unlawful transfer of body parts,~~ a felony of the ~~fifth~~ third 1448

degree. 1449

**Sec. 2133.01.** Unless the context otherwise requires, as used 1450  
in sections 2133.01 to 2133.15 of the Revised Code: 1451

(A) "Adult" means an individual who is eighteen years of age 1452  
or older. 1453

(B) "Attending physician" means the physician to whom a 1454  
declarant or other patient, or the family of a declarant or other 1455  
patient, has assigned primary responsibility for the treatment or 1456  
care of the declarant or other patient, or, if the responsibility 1457  
has not been assigned, the physician who has accepted that 1458  
responsibility. 1459

(C) "Comfort care" means any of the following: 1460

(1) Nutrition when administered to diminish the pain or 1461  
discomfort of a declarant or other patient, but not to postpone 1462  
the declarant's or other patient's death; 1463

(2) Hydration when administered to diminish the pain or 1464  
discomfort of a declarant or other patient, but not to postpone 1465  
the declarant's or other patient's death; 1466

(3) Any other medical or nursing procedure, treatment, 1467  
intervention, or other measure that is taken to diminish the pain 1468  
or discomfort of a declarant or other patient, but not to postpone 1469  
the declarant's or other patient's death. 1470

(D) "Consulting physician" means a physician who, in 1471  
conjunction with the attending physician of a declarant or other 1472  
patient, makes one or more determinations that are required to be 1473  
made by the attending physician, or to be made by the attending 1474  
physician and one other physician, by an applicable provision of 1475  
this chapter, to a reasonable degree of medical certainty and in 1476  
accordance with reasonable medical standards. 1477

(E) "Declarant" means any adult who has executed a 1478

declaration in accordance with section 2133.02 of the Revised Code.	1479 1480
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	1481 1482
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	1483 1484 1485
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	1486 1487 1488
(I) "Health care facility" means any of the following:	1489
(1) A hospital;	1490
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	1491 1492 1493
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	1494 1495
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	1496 1497 1498
(5) An intermediate care facility for the mentally retarded.	1499
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	1500 1501 1502 1503 1504 1505
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	1506 1507

(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	1508 1509
(M) "Hospital" has the same meanings as in sections <del>2108.01</del> , 3701.01, <u>3727.01</u> , and 5122.01 of the Revised Code.	1510 1511
(N) "Hydration" means fluids that are artificially or technologically administered.	1512 1513
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	1514 1515
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	1516 1517
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	1518 1519 1520 1521
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	1522 1523 1524 1525
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	1526 1527
(T) "Nutrition" means sustenance that is artificially or technologically administered.	1528 1529
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:	1530 1531 1532 1533 1534 1535 1536
(1) Irreversible unawareness of one's being and environment.	1537

(2) Total loss of cerebral cortical functioning, resulting in 1538  
the declarant or other patient having no capacity to experience 1539  
pain or suffering. 1540

(V) "Person" has the same meaning as in section 1.59 of the 1541  
Revised Code and additionally includes political subdivisions and 1542  
governmental agencies, boards, commissions, departments, 1543  
institutions, offices, and other instrumentalities. 1544

(W) "Physician" means a person who is authorized under 1545  
Chapter 4731. of the Revised Code to practice medicine and surgery 1546  
or osteopathic medicine and surgery. 1547

(X) "Political subdivision" and "state" have the same 1548  
meanings as in section 2744.01 of the Revised Code. 1549

(Y) "Professional disciplinary action" means action taken by 1550  
the board or other entity that regulates the professional conduct 1551  
of health care personnel, including the state medical board and 1552  
the board of nursing. 1553

(Z) "Qualified patient" means an adult who has executed a 1554  
declaration and has been determined to be in a terminal condition 1555  
or in a permanently unconscious state. 1556

(AA) "Terminal condition" means an irreversible, incurable, 1557  
and untreatable condition caused by disease, illness, or injury 1558  
from which, to a reasonable degree of medical certainty as 1559  
determined in accordance with reasonable medical standards by a 1560  
declarant's or other patient's attending physician and one other 1561  
physician who has examined the declarant or other patient, both of 1562  
the following apply: 1563

(1) There can be no recovery. 1564

(2) Death is likely to occur within a relatively short time 1565  
if life-sustaining treatment is not administered. 1566

(BB) "Tort action" means a civil action for damages for 1567

injury, death, or loss to person or property, other than a civil 1568  
action for damages for breach of a contract or another agreement 1569  
between persons. 1570

**Sec. 2133.07.** (A) As used in this section: 1571

(1) "Anatomical gift" has the same meaning as in section 1572  
2108.01 of the Revised Code. 1573

(2) "DNR identification" has the same meaning as in section 1574  
2133.21 of the Revised Code. 1575

(B) A printed form of a declaration may be sold or otherwise 1576  
distributed in this state for use by adults who are not advised by 1577  
an attorney. By use of a printed form of that nature, a declarant 1578  
may authorize the use or continuation, or the withholding or 1579  
withdrawal, of life-sustaining treatment should the declarant be 1580  
in a terminal condition, a permanently unconscious state, or 1581  
either a terminal condition or a permanently unconscious state, 1582  
may authorize the withholding or withdrawal of nutrition or 1583  
hydration should the declarant be in a permanently unconscious 1584  
state as described in division (A)(3)(a) of section 2133.02 of the 1585  
Revised Code, and may designate one or more persons who are to be 1586  
notified by the declarant's attending physician at any time that 1587  
life-sustaining treatment would be withheld or withdrawn pursuant 1588  
to the declaration. The printed form shall not be used as an 1589  
instrument for granting any other type of authority or for making 1590  
any other type of designation, except that the printed form may be 1591  
used as a DNR identification if the declarant specifies on the 1592  
form that the declarant wishes to use it as a DNR identification 1593  
and except as provided in division ~~(B)~~(C) of this section. 1594

~~(B)~~(C) A printed form of a declaration under division ~~(A)~~(B) 1595  
of this section shall include, before the signature of the 1596  
declarant or another individual at the direction of the declarant, 1597  
statements that conform substantially to the following form: 1598

1599

"ANATOMICAL GIFT (optional) 1600

Upon my death, the following are my directions regarding 1601  
donation of all or part of my body: 1602

In the hope that I may help others upon my death, I hereby 1603  
give the following body parts: 1604  
..... 1605  
..... 1606

for any purpose authorized by law: transplantation, therapy, 1607  
research, or education. 1608

If I do not indicate a desire to donate all or part of my 1609  
body by filling in the lines above, no presumption is created 1610  
about my desire to make or refuse to make an anatomical gift." 1611

~~(C)~~(D)(1) A printed form of a declaration under division 1612  
~~(A)~~(B) of this section shall include, as a separate page or as a 1613  
portion of a page that can be detached from the declaration, a 1614  
donor registry enrollment form that permits the donor to be 1615  
included in the donor registry created under section ~~2108.18~~ 1616  
2108.23 of the Revised Code. 1617

(2) The donor registry enrollment form ~~shall conform~~ 1618  
~~substantially to the following form:~~ 1619

~~"DONOR REGISTRY ENROLLMENT FORM (optional)~~ 1620

~~To register for the Donor Registry, please complete this form~~ 1621  
~~and send it to the Ohio Bureau of Motor Vehicles. This form must~~ 1622  
~~be signed by two witnesses. If the donor is under age eighteen,~~ 1623  
~~one witness must be the donor's parent or legal guardian.~~ 1624

~~... Please include me in the donor registry.~~ 1625

~~... Please remove me from the donor registry.~~ 1626

Full Name (please print) ..... 1627

Mailing address ..... 1628

.....	1629
.....	1630
Phone ..... Date of Birth .....	1631
Driver License or ID Card No. ....	1632
Social Security No. ....	1633
... On my death, I make an anatomical gift of my organs, tissues, and eyes for any purpose authorized by law.	1634 1635
OR	1636
... On my death, I make an anatomical gift of the following specified organs, tissues, or eyes for any purposes indicated below.	1637 1638 1639
.....	1640
.....	1641
.....	1642
Purposes:	1643
... Any purpose authorized by law	1644
... Transplantation	1645
... Therapy	1646
... Research	1647
... Education	1648
... Advancement of medical science	1649
... Advancement of dental science	1650
.....	1651
Signature of donor registrant      Date	1652
.....	1653
Witness signature	1654
.....	1655
Witness signature"	1656
(D) As used in this section:	1657
(1) "Anatomical gift" has the same meaning as in section 2108.01 of the Revised Code.	1658 1659



~~(2) "DNR identification" has the same meaning as in section 2133.21 of the Revised Code may be in any form that complies with the requirements of division (B) of section 2108.05 of the Revised Code. On completion, the form shall be forwarded to the bureau of motor vehicles.~~ 1660  
1661  
1662  
1663  
1664

**Sec. 2133.16.** (A) As used in this section: 1665

(1) "Anatomical gift" and "donor" have the same meanings as in section 2108.01 of the Revised Code. 1666  
1667

(2) "Declarant" and "declaration" have the same meanings as in section 2133.01 of the Revised Code. 1668  
1669

(B) A declarant may make an anatomical gift of all or part of the declarant's body by specifying the intent of the declarant to make the anatomical gift in a space provided in the declaration. All of the following apply to a declaration that specifies the intent of the declarant to make an anatomical gift: 1670  
1671  
1672  
1673  
1674

(1) The declaration serves as a ~~document other than a will donor card or other record~~ in which a declarant makes an anatomical gift as provided in ~~divisions~~ division (B)~~(1) and (3)~~ of section ~~2108.04~~ 2108.05 of the Revised Code. 1675  
1676  
1677  
1678

(2) The declaration is considered as having satisfied the requirements specified in ~~divisions~~ division (B)~~(1) and (3)~~ of section ~~2108.04~~ 2108.05 of the Revised Code to make an anatomical gift by a ~~document other than a will donor card or other record~~. 1679  
1680  
1681  
1682

(3) The declaration is subject to sections 2108.01 to ~~2108.12~~ 2108.29 of the Revised Code to the extent that the declaration specifies the intent of the declarant to make an anatomical gift. 1683  
1684  
1685

(C) A declarant who makes an anatomical gift in the manner described in division (B) of this section may amend the anatomical gift under the circumstances and by any of the means provided in ~~division (A) of~~ section 2108.06 of the Revised Code. 1686  
1687  
1688  
1689

(D) A declarant who makes an anatomical gift in the manner 1690  
described in division (B) of this section may revoke the 1691  
anatomical gift under the circumstances and by any of the means 1692  
provided in ~~division (A)~~ of section 2108.06 of the Revised Code or 1693  
by cancellation of the declarant's intent to make the anatomical 1694  
gift as specified in the declaration. 1695

(E) A declarant may refuse to make an anatomical gift of all 1696  
or part of the declarant's body by specifying the intent of the 1697  
declarant to refuse to make the anatomical gift in a space 1698  
provided in the declaration. 1699

(F) Nothing in this section requires a declarant to make, 1700  
amend, or refuse to make an anatomical gift in a space provided in 1701  
a declaration or otherwise limits a declarant from making, 1702  
amending, or refusing to make an anatomical gift. The failure of a 1703  
declarant to indicate in the space provided in the declaration the 1704  
intent of the declarant to make an anatomical gift or to refuse to 1705  
make an anatomical gift does not create a presumption of the 1706  
intent of the declarant in regard to the matter of making or 1707  
refusing to make an anatomical gift. 1708

**Sec. 2305.37.** (A) As used in this section: 1709

(1) "Agency" means any nonhospital, charitable nonprofit 1710  
corporation that is organized and operated pursuant to Chapter 1711  
1702. of the Revised Code and that satisfies both of the 1712  
following, or any nonhospital, charitable association, group, 1713  
institution, organization, or society that is not organized and 1714  
not operated for profit and that satisfies both of the following: 1715

(a) It distributes consumer goods or perishable food, 1716  
directly or indirectly, to individuals in need. 1717

(b) It does not charge or accept any form of compensation 1718  
from the individuals in need for the distribution of the consumer 1719

goods or perishable food to them.	1720
(2) "Consumer goods" means items of tangible personal property other than food that are used primarily for personal, family, or household purposes.	1721 1722 1723
(3) "Food service operation" has the same meaning as in section 3717.01 of the Revised Code.	1724 1725
(4) "Food that is gleaned" means perishable food that remains on a farm or other real property and that the owner, lessee, renter, or operator of the property permits one or more persons to salvage free-of-charge for subsequent donation to one or more agencies.	1726 1727 1728 1729 1730
(5) "Harm" means injury, death, or loss to person or property.	1731 1732
(6) "Hospital" has the same meaning as in section <del>2108.01</del> , 3701.01, <u>3727.01</u> , or 5122.01 of the Revised Code.	1733 1734
(7) "Individuals in need" means those persons who an agency determines are eligible to receive free distributions of consumer goods or perishable food because of poverty, illness, disability, infancy, or other conditions or circumstances that may result in persons having a need to receive free distributions of consumer goods or perishable food.	1735 1736 1737 1738 1739 1740
(8) "Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, age, or physical condition. "Perishable food" includes, but is not limited to, fresh meats, processed meats, poultry, fish and other seafood, dairy products, bakery products, eggs in the shell, fresh fruits, fresh vegetables, food that is gleaned, food that is packaged, refrigerated, or frozen, food that is canned, and prepared or other food that has not been served by a restaurant, cafeteria, hospital, hotel, caterer, or other food service operation to any customer, patient, or other person in the	1741 1742 1743 1744 1745 1746 1747 1748 1749 1750

ordinary course of business, by a public or private school, 1751  
college, university, or other educational institution to a student 1752  
or another person on the premises in the ordinary course of the 1753  
operation of the institution, or by a fraternal, veteran's, or 1754  
other organization to its members or other persons on the premises 1755  
in the ordinary course of the operation of the organization. 1756

(9) "Person" has the same meaning as in section 1.59 of the 1757  
Revised Code and additionally includes governmental entities and 1758  
federal instrumentalities. 1759

(10) "Sale date" means the date by which the manufacturer, 1760  
processor, or packager of a packaged food product recommends that 1761  
the food product be sold for consumption based on the food 1762  
product's quality assurance period. 1763

(11) "Tort action" means a civil action for damages for 1764  
injury, death, or loss to person or property. "Tort action" 1765  
includes a product liability claim that is subject to sections 1766  
2307.71 to 2307.80 of the Revised Code but does not include a 1767  
civil action for a breach of contract or another agreement between 1768  
persons. 1769

(B) Notwithstanding Chapter 3715. of the Revised Code, a 1770  
person who, in good faith, donates perishable food to an agency is 1771  
not liable in damages in a tort action for harm that allegedly 1772  
arises because that perishable food, when distributed by the 1773  
agency or any other agency to a particular individual in need, is 1774  
not fit for human consumption, if both of the following apply: 1775

(1) Prior to the donation of the perishable food to the 1776  
agency, the person determines that the perishable food will be fit 1777  
for human consumption at the time of its donation. A presumption 1778  
favoring liability does not arise because the perishable food is 1779  
donated to an agency on or after an applicable sale date. 1780

(2) The person does not make the determination that the 1781

perishable food will be fit for human consumption at the time of 1782  
its donation to the agency in a manner that constitutes gross 1783  
negligence or willful or wanton misconduct. 1784

(C) A person who, in good faith, donates consumer goods to an 1785  
agency is not liable in damages in a tort action for harm that 1786  
allegedly arises because those consumer goods are not fit for use 1787  
at the time the agency or any other agency distributes them to a 1788  
particular individual in need, if both of the following apply: 1789

(1) Prior to the donation of the consumer goods to the 1790  
agency, the person determines that the consumer goods will be fit 1791  
for use at the time of their donation. A presumption favoring 1792  
liability does not arise because the consumer goods are in 1793  
packaging that has been damaged. 1794

(2) The person does not make the determination that the 1795  
consumer goods will be fit for use at the time of their donation 1796  
to the agency in a manner that constitutes gross negligence or 1797  
willful or wanton misconduct. 1798

(D) Notwithstanding Chapter 3715. of the Revised Code, an 1799  
agency that, in good faith, distributes consumer goods or 1800  
perishable food to a particular individual in need is not liable 1801  
in damages in a tort action for harm that allegedly arises because 1802  
those consumer goods are not fit for use or that perishable food 1803  
is not fit for human consumption if both of the following apply: 1804

(1) Prior to the distribution of the consumer goods or 1805  
perishable food to the individual, the agency determines that the 1806  
consumer goods will be fit for use or the perishable food will be 1807  
fit for human consumption at the time of its distribution. A 1808  
presumption favoring liability does not arise because the consumer 1809  
goods are in packaging that has been damaged or because the 1810  
perishable food is distributed to an individual on or after an 1811  
applicable sale date. 1812

(2) The agency does not make the determination that the consumer goods will be fit for use or the perishable food will be fit for human consumption at the time of its distribution to the individual in a manner that constitutes gross negligence or willful or wanton misconduct.

(E)(1) This section does not create a new cause of action or substantive legal right against persons who donate consumer goods or perishable food to an agency or against agencies that distribute consumer goods or perishable food to an individual in need.

(2) This section does not affect any immunities from or defenses to tort liability established by another section of the Revised Code or available at common law to which persons who donate consumer goods or perishable food other than to agencies, or to which agencies that distribute consumer goods or perishable food other than to individuals in need, may be entitled.

**Sec. 2919.16.** As used in sections 2919.16 to 2919.18 of the Revised Code:

(A) "Fertilization" means the fusion of a human spermatozoon with a human ovum.

(B) "Gestational age" means the age of an unborn human as calculated from the first day of the last menstrual period of a pregnant woman.

(C) "Health care facility" means a hospital, clinic, ambulatory surgical treatment center, other center, medical school, office of a physician, infirmary, dispensary, medical training institution, or other institution or location in or at which medical care, treatment, or diagnosis is provided to a person.

(D) "Hospital" has the same meanings as in sections ~~2108.01~~, 1842

3701.01, <u>3727.01</u> , and 5122.01 of the Revised Code.	1843
(E) "Live birth" has the same meaning as in division (A) of section 3705.01 of the Revised Code.	1844 1845
(F) "Medical emergency" means a condition that a pregnant woman's physician determines, in good faith and in the exercise of reasonable medical judgment, so complicates the woman's pregnancy as to necessitate the immediate performance or inducement of an abortion in order to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman that delay in the performance or inducement of the abortion would create.	1846 1847 1848 1849 1850 1851 1852 1853 1854
(G) "Physician" has the same meaning as in section 2305.113 of the Revised Code.	1855 1856
(H) "Pregnant" means the human female reproductive condition, that commences with fertilization, of having a developing fetus.	1857 1858
(I) "Premature infant" means a human whose live birth occurs prior to thirty-eight weeks of gestational age.	1859 1860
(J) "Serious risk of the substantial and irreversible impairment of a major bodily function" means any medically diagnosed condition that so complicates the pregnancy of the woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function, including, but not limited to, the following conditions:	1861 1862 1863 1864 1865 1866
(1) Pre-eclampsia;	1867
(2) Inevitable abortion;	1868
(3) Prematurely ruptured membrane;	1869
(4) Diabetes;	1870
(5) Multiple sclerosis.	1871

(K) "Unborn human" means an individual organism of the species homo sapiens from fertilization until live birth.

(L) "Viable" means the stage of development of a human fetus at which in the determination of a physician, based on the particular facts of a woman's pregnancy that are known to the physician and in light of medical technology and information reasonably available to the physician, there is a realistic possibility of the maintaining and nourishing of a life outside of the womb with or without temporary artificial life-sustaining support.

**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 1903  
least five years. The format shall show, among other things, 1904  
district and educational service center revenue by source; 1905  
expenditures for salaries, wages, and benefits of employees, 1906  
showing such amounts separately for classroom teachers, other 1907  
employees required to hold licenses issued pursuant to sections 1908  
3319.22 to 3319.31 of the Revised Code, and all other employees; 1909  
expenditures other than for personnel, by category, including 1910  
utilities, textbooks and other educational materials, equipment, 1911  
permanent improvements, pupil transportation, extracurricular 1912  
athletics, and other extracurricular activities; and per pupil 1913  
expenditures. 1914

(C) Administer and supervise the allocation and distribution 1915  
of all state and federal funds for public school education under 1916  
the provisions of law, and may prescribe such systems of 1917  
accounting as are necessary and proper to this function. It may 1918  
require county auditors and treasurers, boards of education, 1919  
educational service center governing boards, treasurers of such 1920  
boards, teachers, and other school officers and employees, or 1921  
other public officers or employees, to file with it such reports 1922  
as it may prescribe relating to such funds, or to the management 1923  
and condition of such funds. 1924

(D) Formulate and prescribe minimum standards to be applied 1925  
to all elementary and secondary schools in this state for the 1926  
purpose of requiring a general education of high quality. Such 1927  
standards shall provide adequately for: the licensing of teachers, 1928  
administrators, and other professional personnel and their 1929  
assignment according to training and qualifications; efficient and 1930  
effective instructional materials and equipment, including library 1931  
facilities; the proper organization, administration, and 1932  
supervision of each school, including regulations for preparing 1933  
all necessary records and reports and the preparation of a 1934

statement of policies and objectives for each school; buildings, 1935  
grounds, health and sanitary facilities and services; admission of 1936  
pupils, and such requirements for their promotion from grade to 1937  
grade as will assure that they are capable and prepared for the 1938  
level of study to which they are certified; requirements for 1939  
graduation; and such other factors as the board finds necessary. 1940

In the formulation and administration of such standards for 1941  
nonpublic schools the board shall also consider the particular 1942  
needs, methods and objectives of those schools, provided they do 1943  
not conflict with the provision of a general education of a high 1944  
quality and provided that regular procedures shall be followed for 1945  
promotion from grade to grade of pupils who have met the 1946  
educational requirements prescribed. 1947

(E) May require as part of the health curriculum information 1948  
developed under section ~~2108.15~~ 2108.34 of the Revised Code 1949  
promoting the donation of anatomical gifts pursuant to Chapter 1950  
2108. of the Revised Code and may provide the information to high 1951  
schools, educational service centers, and joint vocational school 1952  
district boards of education; 1953

(F) Prepare and submit annually to the governor and the 1954  
general assembly a report on the status, needs, and major problems 1955  
of the public schools of the state, with recommendations for 1956  
necessary legislative action and a ten-year projection of the 1957  
state's public and nonpublic school enrollment, by year and by 1958  
grade level; 1959

(G) Prepare and submit to the director of budget and 1960  
management the biennial budgetary requests of the state board of 1961  
education, for its agencies and for the public schools of the 1962  
state; 1963

(H) Cooperate with federal, state, and local agencies 1964  
concerned with the health and welfare of children and youth of the 1965

state; 1966

(I) Require such reports from school districts and 1967  
educational service centers, school officers, and employees as are 1968  
necessary and desirable. The superintendents and treasurers of 1969  
school districts and educational service centers shall certify as 1970  
to the accuracy of all reports required by law or state board or 1971  
state department of education rules to be submitted by the 1972  
district or educational service center and which contain 1973  
information necessary for calculation of state funding. Any 1974  
superintendent who knowingly falsifies such report shall be 1975  
subject to license revocation pursuant to section 3319.31 of the 1976  
Revised Code. 1977

(J) In accordance with Chapter 119. of the Revised Code, 1978  
adopt procedures, standards, and guidelines for the education of 1979  
children with disabilities pursuant to Chapter 3323. of the 1980  
Revised Code, including procedures, standards, and guidelines 1981  
governing programs and services operated by county boards of 1982  
mental retardation and developmental disabilities pursuant to 1983  
section 3323.09 of the Revised Code; 1984

(K) For the purpose of encouraging the development of special 1985  
programs of education for academically gifted children, employ 1986  
competent persons to analyze and publish data, promote research, 1987  
advise and counsel with boards of education, and encourage the 1988  
training of teachers in the special instruction of gifted 1989  
children. The board may provide financial assistance out of any 1990  
funds appropriated for this purpose to boards of education and 1991  
educational service center governing boards for developing and 1992  
conducting programs of education for academically gifted children. 1993

(L) Require that all public schools emphasize and encourage, 1994  
within existing units of study, the teaching of energy and 1995  
resource conservation as recommended to each district board of 1996  
education by leading business persons involved in energy 1997

production and conservation, beginning in the primary grades; 1998

(M) Formulate and prescribe minimum standards requiring the 1999  
use of phonics as a technique in the teaching of reading in grades 2000  
kindergarten through three. In addition, the state board shall 2001  
provide in-service training programs for teachers on the use of 2002  
phonics as a technique in the teaching of reading in grades 2003  
kindergarten through three. 2004

(N) Develop and modify as necessary a state plan for 2005  
technology to encourage and promote the use of technological 2006  
advancements in educational settings. 2007

The board may adopt rules necessary for carrying out any 2008  
function imposed on it by law, and may provide rules as are 2009  
necessary for its government and the government of its employees, 2010  
and may delegate to the superintendent of public instruction the 2011  
management and administration of any function imposed on it by 2012  
law. It may provide for the appointment of board members to serve 2013  
on temporary committees established by the board for such purposes 2014  
as are necessary. Permanent or standing committees shall not be 2015  
created. 2016

**Sec. 4501.024.** The bureau of motor vehicles shall do both of 2017  
the following: 2018

(A) Develop and maintain a donor registry as required by 2019  
section ~~2108.18~~ 2108.23 of the Revised Code; 2020

(B) Maintain a toll-free telephone number as specified in 2021  
section ~~2108.19~~ 2108.32 of the Revised Code. 2022

**Sec. 4503.721.** (A) The owner or lessee of any passenger car, 2023  
noncommercial motor vehicle, recreational vehicle, or other 2024  
vehicle of a class approved by the registrar of motor vehicles may 2025  
apply to the registrar for the registration of the vehicle and 2026  
issuance of "donate life" license plates. An application made 2027

under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "donate life" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on the license plates, "donate life" license plates shall be inscribed with identifying words or markings designated by lifeline of Ohio, incorporated, and approved by the registrar. "Donate life" license plates shall display county identification stickers that identify the county of registration by name or number.

(B) The "donate life" license plates and a validation sticker, or validation sticker alone, shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, an additional fee of ten dollars, and compliance with all other applicable laws relating to the registration of motor vehicles.

(C) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of five dollars. The registrar shall transmit this contribution to the treasurer of state for deposit into the state treasury to the credit of the second chance trust fund created in section ~~2108.15~~ 2108.34 of the

Revised Code. 2059

The additional fee of ten dollars is to compensate the bureau 2060  
of motor vehicles for additional services required in the issuing 2061  
of "donate life" license plates. The registrar shall transmit the 2062  
additional fee to the treasurer of state for deposit into the 2063  
state treasury to the credit of the state bureau of motor vehicles 2064  
fund created by section 4501.25 of the Revised Code. 2065

**Sec. 4506.07.** (A) Every application for a commercial driver's 2066  
license, restricted commercial driver's license, or a commercial 2067  
driver's temporary instruction permit, or a duplicate of such a 2068  
license, shall be made upon a form approved and furnished by the 2069  
registrar of motor vehicles. Except as provided in section 4506.24 2070  
of the Revised Code in regard to a restricted commercial driver's 2071  
license, the application shall be signed by the applicant and 2072  
shall contain the following information: 2073

(1) The applicant's name, date of birth, social security 2074  
account number, sex, general description including height, weight, 2075  
and color of hair and eyes, current residence, duration of 2076  
residence in this state, country of citizenship, and occupation; 2077

(2) Whether the applicant previously has been licensed to 2078  
operate a commercial motor vehicle or any other type of motor 2079  
vehicle in another state or a foreign jurisdiction and, if so, 2080  
when, by what state, and whether the license or driving privileges 2081  
currently are suspended or revoked in any jurisdiction, or the 2082  
applicant otherwise has been disqualified from operating a 2083  
commercial motor vehicle, or is subject to an out-of-service order 2084  
issued under this chapter or any similar law of another state or a 2085  
foreign jurisdiction and, if so, the date of, locations involved, 2086  
and reason for the suspension, revocation, disqualification, or 2087  
out-of-service order; 2088

(3) Whether the applicant is afflicted with or suffering from 2089

any physical or mental disability or disease that prevents the 2090  
applicant from exercising reasonable and ordinary control over a 2091  
motor vehicle while operating it upon a highway or is or has been 2092  
subject to any condition resulting in episodic impairment of 2093  
consciousness or loss of muscular control and, if so, the nature 2094  
and extent of the disability, disease, or condition, and the names 2095  
and addresses of the physicians attending the applicant; 2096

(4) Whether the applicant has obtained a medical examiner's 2097  
certificate as required by this chapter; 2098

(5) Whether the applicant has pending a citation for 2099  
violation of any motor vehicle law or ordinance except a parking 2100  
violation and, if so, a description of the citation, the court 2101  
having jurisdiction of the offense, and the date when the offense 2102  
occurred; 2103

(6) Whether the applicant wishes to certify willingness to 2104  
make an anatomical ~~donation~~ gift under section ~~2108.04~~ 2108.05 of 2105  
the Revised Code, which shall be given no consideration in the 2106  
issuance of a license; 2107

(7) On and after May 1, 1993, whether the applicant has 2108  
executed a valid durable power of attorney for health care 2109  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 2110  
executed a declaration governing the use or continuation, or the 2111  
withholding or withdrawal, of life-sustaining treatment pursuant 2112  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 2113  
applicant has executed either type of instrument, whether the 2114  
applicant wishes the license issued to indicate that the applicant 2115  
has executed the instrument. 2116

(B) Every applicant shall certify, on a form approved and 2117  
furnished by the registrar, all of the following: 2118

(1) That the motor vehicle in which the applicant intends to 2119  
take the driving skills test is representative of the type of 2120

motor vehicle that the applicant expects to operate as a driver; 2121

(2) That the applicant is not subject to any disqualification 2122  
or out-of-service order, or license suspension, revocation, or 2123  
cancellation, under the laws of this state, of another state, or 2124  
of a foreign jurisdiction and does not have more than one driver's 2125  
license issued by this or another state or a foreign jurisdiction; 2126

(3) Any additional information, certification, or evidence 2127  
that the registrar requires by rule in order to ensure that the 2128  
issuance of a commercial driver's license to the applicant is in 2129  
compliance with the law of this state and with federal law. 2130

(C) Every applicant shall execute a form, approved and 2131  
furnished by the registrar, under which the applicant consents to 2132  
the release by the registrar of information from the applicant's 2133  
driving record. 2134

(D) The registrar or a deputy registrar, in accordance with 2135  
section 3503.11 of the Revised Code, shall register as an elector 2136  
any applicant for a commercial driver's license or for a renewal 2137  
or duplicate of such a license under this chapter, if the 2138  
applicant is eligible and wishes to be registered as an elector. 2139  
The decision of an applicant whether to register as an elector 2140  
shall be given no consideration in the decision of whether to 2141  
issue the applicant a license or a renewal or duplicate. 2142

(E) The registrar or a deputy registrar, in accordance with 2143  
section 3503.11 of the Revised Code, shall offer the opportunity 2144  
of completing a notice of change of residence or change of name to 2145  
any applicant for a commercial driver's license or for a renewal 2146  
or duplicate of such a license who is a resident of this state, if 2147  
the applicant is a registered elector who has changed the 2148  
applicant's residence or name and has not filed such a notice. 2149

(F) In considering any application submitted pursuant to this 2150  
section, the bureau of motor vehicles may conduct any inquiries 2151



necessary to ensure that issuance or renewal of a commercial 2152  
driver's license would not violate any provision of the Revised 2153  
Code or federal law. 2154

**Sec. 4506.081.** In addition to the fees collected under 2155  
section 4506.08 of the Revised Code, the registrar or deputy 2156  
registrar of motor vehicles shall ask each person applying for or 2157  
renewing a commercial driver's license, restricted commercial 2158  
driver's license, or duplicate whether the person wishes to make a 2159  
one-dollar voluntary contribution to the second chance trust fund 2160  
established under section ~~2108.15~~ 2108.34 of the Revised Code. The 2161  
registrar or deputy registrar shall also make available to the 2162  
person informational material provided by the department of health 2163  
on the importance of organ, tissue, and eye donation. 2164

All donations collected under this section during each month 2165  
shall be forwarded by the registrar or deputy registrar not later 2166  
than the fifth day of the immediately following month to the 2167  
treasurer of state, who shall deposit them in the second chance 2168  
trust fund. 2169

**Sec. 4506.11.** (A) Every commercial driver's license shall be 2170  
marked "commercial driver's license" or "CDL" and shall be of such 2171  
material and so designed as to prevent its reproduction or 2172  
alteration without ready detection, and, to this end, shall be 2173  
laminated with a transparent plastic material. The commercial 2174  
driver's license for licensees under twenty-one years of age shall 2175  
have characteristics prescribed by the registrar of motor vehicles 2176  
distinguishing it from that issued to a licensee who is twenty-one 2177  
years of age or older. Every commercial driver's license shall 2178  
display all of the following information: 2179

(1) The name and residence address of the licensee; 2180

(2) A color photograph of the licensee showing the licensee's 2181

uncovered face;	2182
(3) A physical description of the licensee, including sex, height, weight, and color of eyes and hair;	2183 2184
(4) The licensee's date of birth;	2185
(5) The licensee's social security number if the person has requested that the number be displayed in accordance with section 4501.31 of the Revised Code or if federal law requires the social security number to be displayed and any number or other identifier the director of public safety considers appropriate and establishes by rules adopted under Chapter 119. of the Revised Code and in compliance with federal law;	2186 2187 2188 2189 2190 2191 2192
(6) The licensee's signature;	2193
(7) The classes of commercial motor vehicles the licensee is authorized to drive and any endorsements or restrictions relating to the licensee's driving of those vehicles;	2194 2195 2196
(8) The name of this state;	2197
(9) The dates of issuance and of expiration of the license;	2198
(10) If the licensee has certified willingness to make an anatomical <del>donation</del> <u>gift</u> under section <del>2108.04</del> <u>2108.05</u> of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;	2199 2200 2201 2202
(11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	2203 2204 2205 2206 2207 2208 2209
(12) Any other information the registrar considers advisable and requires by rule.	2210 2211

(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.

(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.

**Sec. 4507.06.** (A)(1) Every application for a driver's license or motorcycle operator's license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.

Every application shall state the following:

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and

addresses of physicians then or previously in attendance upon the 2242  
applicant; 2243

(d) Whether an applicant for a duplicate driver's license, or 2244  
duplicate license containing a motorcycle operator endorsement has 2245  
pending a citation for violation of any motor vehicle law or 2246  
ordinance, a description of any such citation pending, and the 2247  
date of the citation; 2248

(e) Whether the applicant wishes to certify willingness to 2249  
make an anatomical gift under section ~~2108.04~~ 2108.05 of the 2250  
Revised Code, which shall be given no consideration in the 2251  
issuance of a license or endorsement; 2252

(f) Whether the applicant has executed a valid durable power 2253  
of attorney for health care pursuant to sections 1337.11 to 2254  
1337.17 of the Revised Code or has executed a declaration 2255  
governing the use or continuation, or the withholding or 2256  
withdrawal, of life-sustaining treatment pursuant to sections 2257  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 2258  
executed either type of instrument, whether the applicant wishes 2259  
the applicant's license to indicate that the applicant has 2260  
executed the instrument. 2261

(2) Every applicant for a driver's license shall be 2262  
photographed in color at the time the application for the license 2263  
is made. The application shall state any additional information 2264  
that the registrar requires. 2265

(B) The registrar or a deputy registrar, in accordance with 2266  
section 3503.11 of the Revised Code, shall register as an elector 2267  
any person who applies for a driver's license or motorcycle 2268  
operator's license or endorsement under division (A) of this 2269  
section, or for a renewal or duplicate of the license or 2270  
endorsement, if the applicant is eligible and wishes to be 2271  
registered as an elector. The decision of an applicant whether to 2272

register as an elector shall be given no consideration in the 2273  
decision of whether to issue the applicant a license or 2274  
endorsement, or a renewal or duplicate. 2275

(C) The registrar or a deputy registrar, in accordance with 2276  
section 3503.11 of the Revised Code, shall offer the opportunity 2277  
of completing a notice of change of residence or change of name to 2278  
any applicant for a driver's license or endorsement under division 2279  
(A) of this section, or for a renewal or duplicate of the license 2280  
or endorsement, if the applicant is a registered elector who has 2281  
changed the applicant's residence or name and has not filed such a 2282  
notice. 2283

**Sec. 4507.231.** In addition to the fees collected under 2284  
section 4507.23 of the Revised Code, the registrar or deputy 2285  
registrar of motor vehicles shall ask each person applying for or 2286  
renewing a driver's license, motorcycle operator's endorsement, or 2287  
duplicate whether the person wishes to make a one-dollar voluntary 2288  
contribution to the second chance trust fund established under 2289  
section ~~2108.15~~ 2108.34 of the Revised Code. The registrar or 2290  
deputy registrar shall also make available to the person 2291  
informational material provided by the department of health on the 2292  
importance of organ, tissue, and eye donation. 2293

All donations collected under this section during each month 2294  
shall be forwarded by the registrar or deputy registrar not later 2295  
than the fifth day of the immediately following month to the 2296  
treasurer of state, who shall deposit them in the second chance 2297  
trust fund. 2298

**Sec. 4507.501.** In addition to the fees collected under 2299  
section 4507.50 of the Revised Code, the registrar or deputy 2300  
registrar of motor vehicles shall ask each applicant for an 2301  
identification card or duplicate under section 4507.51 of the 2302

Revised Code whether the person wishes to make a one-dollar 2303  
voluntary contribution to the second chance trust fund established 2304  
under section ~~2108.15~~ 2108.34 of the Revised Code. The registrar 2305  
or deputy registrar shall also make available to the person 2306  
informational material provided by the department of health on the 2307  
importance of organ, tissue, and eye donation. 2308

All donations collected under this section during each month 2309  
shall be forwarded by the registrar or deputy registrar not later 2310  
than the fifth day of the immediately following month to the 2311  
treasurer of state, who shall deposit them in the second chance 2312  
trust fund. 2313

**Sec. 4507.51.** (A)(1) Every application for an identification 2314  
card or duplicate shall be made on a form furnished by the 2315  
registrar of motor vehicles, shall be signed by the applicant, and 2316  
by the applicant's parent or guardian if the applicant is under 2317  
eighteen years of age, and shall contain the following information 2318  
pertaining to the applicant: name, date of birth, sex, general 2319  
description including the applicant's height, weight, hair color, 2320  
and eye color, address, and social security number. The 2321  
application also shall state whether an applicant wishes to 2322  
certify willingness to make an anatomical gift under section 2323  
~~2108.04~~ 2108.05 of the Revised Code and shall include information 2324  
about the requirements of ~~that section~~ sections 2108.01 to 2108.29 2325  
of the Revised Code that apply to persons who are less than 2326  
eighteen years of age. The statement regarding willingness to make 2327  
such a donation shall be given no consideration in the decision of 2328  
whether to issue an identification card. Each applicant shall be 2329  
photographed in color at the time of making application. 2330

(2) The application also shall state whether the applicant 2331  
has executed a valid durable power of attorney for health care 2332  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 2333

executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the identification card issued to indicate that the applicant has executed the instrument.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(B) The application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true.

All applications for an identification card or duplicate shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

**Sec. 4508.021.** (A) As used in this section:

(1) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(2) "Electronic medium" means a video cassette tape, CD-ROM, interactive videodisc, or other format used to convey information

to students through electronic means. 2364

(B) The classroom instruction required by division (C) of 2365  
section 4508.02 of the Revised Code shall include the 2366  
dissemination of information regarding anatomical gifts and 2367  
anatomical gift procedures or a presentation and discussion of 2368  
such gifts and procedures in accordance with this section. The 2369  
second chance trust fund advisory committee created under section 2370  
~~2108.17~~ 2108.35 of the Revised Code shall approve any brochure, 2371  
written material, or electronic medium used by a driver training 2372  
school to provide information to students regarding anatomical 2373  
gifts and anatomical gift procedures. However, the committee shall 2374  
not approve any such brochure, written material, or electronic 2375  
medium that contains religious content for use in a driver 2376  
education course conducted by a school district or educational 2377  
service center. 2378

(C)(1) If any brochure or other written material approved by 2379  
the committee under division (B) of this section is made available 2380  
to a driver training school at no cost, the instructor shall 2381  
provide such brochure or material to students. 2382

(2) If any electronic medium that is less than twenty minutes 2383  
in length and that is approved by the committee under division (B) 2384  
of this section is made available to a driver training school at 2385  
no cost, the instructor shall show the electronic medium to 2386  
students, provided that the school maintains operable viewing 2387  
equipment. If more than one such electronic medium is made 2388  
available to a school in accordance with this division, the 2389  
instructor shall select one electronic medium from among those 2390  
received by the school to show to students. 2391

(3) If no electronic medium is shown to students as specified 2392  
in division (C)(2) of this section, the instructor shall organize 2393  
a classroom presentation and discussion regarding anatomical gifts 2394  
and anatomical gift procedures. The instructor may arrange for the 2395



presentation to be conducted by an employee of the department of 2396  
health or any other state agency, an employee or volunteer of the 2397  
second chance trust fund, an employee or volunteer of any 2398  
organization involved in the procurement of organ donations, an 2399  
organ donor, an organ recipient, an employee or volunteer of a 2400  
tissue or eye bank, or a tissue or corneal transplant recipient, 2401  
provided that no such person charges a fee to the school for the 2402  
presentation. However, no such presentation that contains 2403  
religious content shall be made to students of a driver education 2404  
course conducted by a school district or educational service 2405  
center. Students shall be granted the opportunity to ask questions 2406  
on anatomical gifts and anatomical gift procedures during the 2407  
presentation and discussion. 2408

Nothing in this section shall prohibit an instructor from 2409  
also organizing a classroom presentation and discussion regarding 2410  
anatomical gifts and anatomical gift procedures in accordance with 2411  
this division if the instructor shows an electronic medium to 2412  
students pursuant to division (C)(2) of this section. 2413

(D) No student shall be required to participate in any 2414  
instruction in anatomical gifts or anatomical gift procedures 2415  
conducted under this section upon written notification from the 2416  
student's parent or guardian, or the student if the student is 2417  
over eighteen years of age, that such instruction conflicts with 2418  
the religious convictions of the student or the student's parent 2419  
or guardian. If a student is excused from such instruction, the 2420  
instructor shall give the student an alternative assignment. 2421

~~Sec. 4717.17. A funeral director may designate in writing an 2422  
eye bank, tissue bank, or both with which the funeral director 2423  
will cooperate concerning retrieval of usable eyes and tissues 2424  
that have been donated. 2425~~

~~An eye or tissue bank designated under this section has the 2426~~

~~property right specified in section 2108.02 of the Revised Code.~~ 2427

A funeral director acting in good faith is not liable in 2428  
damages for injury resulting from acting or attempting to act in 2429  
accordance with ~~the donor's declaration under section 2108.04~~ 2430  
sections 2108.01 to 2108.29 of the Revised Code ~~of~~ regarding an 2431  
anatomical gift. 2432

**Section 2.** That existing sections 124.04, 313.13, 313.23, 2433  
313.30, 1337.11, 2105.35, 2108.09, 2108.11, 2108.15, 2108.17, 2434  
2108.18, 2108.19, 2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 2435  
2133.01, 2133.07, 2133.16, 2305.37, 2919.16, 3301.07, 4501.024, 2436  
4503.721, 4506.07, 4506.081, 4506.11, 4507.06, 4507.231, 4507.501, 2437  
4507.51, 4508.021, and 4717.17 and sections 2108.01, 2108.02, 2438  
2108.021, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.071, 2439  
2108.08, 2108.10, 2108.101, 2108.12, 2108.53, and 2108.60 of the 2440  
Revised Code are hereby repealed. 2441

**Section 3.** Section 1337.11 of the Revised Code was amended by 2442  
both Am. H.B. 72 and Am. Sub. H.B. 95 of the 125th General 2443  
Assembly. Comparison of these amendments in pursuance of section 2444  
1.52 of the Revised Code discloses that while certain of the 2445  
amendments of these acts are reconcilable, certain other of the 2446  
amendments are substantively irreconcilable. Am. H.B. 72 was 2447  
passed on June 10, 2003; Am. Sub. H.B. 95 was passed on June 19, 2448  
2003. Section 1337.11 of the Revised Code is therefore presented 2449  
in this act as it results from Am. Sub. H.B. 95 and such of the 2450  
amendments of Am. H.B. 72 as are not in conflict with the 2451  
amendments of Am. Sub. H.B. 95. The General Assembly, applying the 2452  
principle stated in division (B) of section 1.52 of the Revised 2453  
Code that amendments are to be harmonized if reasonably capable of 2454  
simultaneous operation, finds that the composite is the resulting 2455  
version of the section in effect prior to the effective date of 2456  
the section as presented in this act. 2457