

**As Reported by the Senate Health, Human Services and Aging
Committee**

127th General Assembly

Regular Session

2007-2008

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.**

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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 2108.15 <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 5101.61 <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 2108.01 , 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. 317
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(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. 319
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(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. 327
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Sec. 2108.01. As used in sections 2108.02 to 2108.35 of the Revised Code: 331
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(A) "Adult" means an individual who is at least eighteen years of age. 333
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(B) "Agent" means an individual who is either of the following: 335
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(1) The principal's attorney in fact under a durable power of attorney for health care; 337
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(2) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal. 339
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(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. 341
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(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 344
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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
whom 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 decisions regarding the support, care, education, health, or welfare of an individual. "Guardian" does not include a guardian ad litem. 377
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(M) "Hospital" means a facility operated as a hospital under the laws of this or any other state or a facility operated as a hospital by the United States, this or any other state, or a subdivision of this or any other state. 381
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(N) "Identification card" means an identification card issued by the registrar of motor vehicles or a deputy registrar. 385
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(O) "Know" means to have actual knowledge. 387

(P) "Minor" means an individual who is under eighteen years of age. 388
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(Q) "Organ procurement organization" means a person conducting operations in this state that is designated by the secretary of the United States department of health and human services as an organ procurement organization. 390
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(R) "Parent" means a parent whose parental rights have not been terminated. 394
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(S) "Part" means an organ, an eye, or tissue of a human being. "Part" does not include the whole body. 396
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(T) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity. 398
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(U) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, or an individual authorized under the laws of any other 403
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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

<u>of the Revised Code by any of the following:</u>	466
<u>(A) The donor, if the donor is an adult or if the donor is a</u>	467
<u>minor and either of the following applies:</u>	468
<u>(1) The donor is emancipated.</u>	469
<u>(2) The donor is authorized to apply for a temporary</u>	470
<u>instruction permit issued under section 4507.05 of the Revised</u>	471
<u>Code because the donor is at least fifteen years and six months of</u>	472
<u>age.</u>	473
<u>(B) An agent of the donor, unless the durable power of</u>	474
<u>attorney for health care or other record prohibits the agent from</u>	475
<u>making an anatomical gift;</u>	476
<u>(C) A parent of the donor, if the donor is an unemancipated</u>	477
<u>minor;</u>	478
<u>(D) The donor's guardian.</u>	479
<u>Sec. 2108.05. (A) A donor may make an anatomical gift by</u>	480
<u>doing any of the following:</u>	481
<u>(1) Authorizing a statement or symbol to be imprinted on the</u>	482
<u>donor's driver's license or identification card indicating that</u>	483
<u>the donor has certified a willingness to make an anatomical gift;</u>	484
<u>(2) Specifying in the donor's will an intent to make an</u>	485
<u>anatomical gift;</u>	486
<u>(3) Specifying an intent to make an anatomical gift in the</u>	487
<u>donor's declaration as described in section 2133.16 of the Revised</u>	488
<u>Code;</u>	489
<u>(4) During a terminal illness or injury of the donor,</u>	490
<u>communicating in any manner to a minimum of two adults, at least</u>	491
<u>one of whom is a disinterested witness, that the donor intends to</u>	492
<u>make an anatomical gift;</u>	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

<u>section 2108.04 of the Revised Code if the donor or other person</u>	524
<u>is physically unable to sign;</u>	525
<u>(3) By a later-executed document of gift that amends a</u>	526
<u>previous anatomical gift or portion of an anatomical gift, either</u>	527
<u>expressly or by inconsistency;</u>	528
<u>(4) By any form of communication during a terminal illness or</u>	529
<u>injury addressed to at least two adults;</u>	530
<u>(5) By a parent who is reasonably available, if the donor is</u>	531
<u>an unemancipated minor who has died;</u>	532
<u>(6) If made in a will, by the manner provided for amendment</u>	533
<u>of wills or by any of the applicable means described in divisions</u>	534
<u>(B)(1) to (5) of this section.</u>	535
<u>(B) Subject to section 2108.08 of the Revised Code, an</u>	536
<u>anatomical gift made under section 2108.04 of the Revised Code may</u>	537
<u>be revoked by any of the following means:</u>	538
<u>(1) By a record signed by the donor or other person</u>	539
<u>authorized to make an anatomical gift under section 2108.04 of the</u>	540
<u>Revised Code;</u>	541
<u>(2) Subject to division (C) of this section, by a record</u>	542
<u>signed by another individual acting at the direction of the donor</u>	543
<u>or other person authorized to make an anatomical gift under</u>	544
<u>section 2108.04 of the Revised Code if the donor or other person</u>	545
<u>is physically unable to sign;</u>	546
<u>(3) By a later-executed document of gift that revokes a</u>	547
<u>previous anatomical gift or portion of an anatomical gift, either</u>	548
<u>expressly or by inconsistency;</u>	549
<u>(4) By any form of communication during a terminal illness or</u>	550
<u>injury addressed to at least two adults;</u>	551
<u>(5) By a parent who is reasonably available, if the donor is</u>	552
<u>an unemancipated minor who has died;</u>	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

<u>(1) Be witnessed by at least two adults who have signed at</u>	583
<u>the request of the individual;</u>	584
<u>(2) State that it has been signed and witnessed as provided</u>	585
<u>in division (B)(1) of this section.</u>	586
<u>(C) An individual who has made a refusal may amend or revoke</u>	587
<u>the refusal by doing any of the following:</u>	588
<u>(1) Amending or revoking the refusal in the manner provided</u>	589
<u>in division (A) of this section for making a refusal;</u>	590
<u>(2) Subsequently making an anatomical gift pursuant to</u>	591
<u>section 2108.05 of the Revised Code that is inconsistent with the</u>	592
<u>refusal;</u>	593
<u>(3) Destroying or canceling the record evidencing the</u>	594
<u>refusal, or the portion of the record used to make the refusal,</u>	595
<u>with the intent to revoke the refusal.</u>	596
<u>(D) Except as provided in division (E) of this section, in</u>	597
<u>the absence of an express, contrary indication by the individual</u>	598
<u>set forth in the refusal, an individual's unrevoked refusal to</u>	599
<u>make an anatomical gift of the individual's body or part bars all</u>	600
<u>other persons from making an anatomical gift of the individual's</u>	601
<u>body or part.</u>	602
<u>(E) The parent of a deceased unemancipated minor who is</u>	603
<u>reasonably available may revoke a refusal made by the minor.</u>	604
<u>Sec. 2108.08. (A) Subject to division (F) of this section, in</u>	605
<u>the absence of an express, contrary indication by the donor, a</u>	606
<u>person other than the donor shall be barred from making, amending,</u>	607
<u>or revoking an anatomical gift of a donor's body or part if the</u>	608
<u>donor made an anatomical gift of the donor's body or part under</u>	609
<u>section 2108.05 of the Revised Code or an amendment to an</u>	610
<u>anatomical gift of the donor's body or part under section 2108.06</u>	611
<u>of the Revised Code.</u>	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

(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
739
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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
745
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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
751
752
753
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755

(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
<u>Sec. 2108.13. (A) A document of gift need not be delivered</u>	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 885
2108.11 of the Revised Code, upon the death of the donor and 886
before embalming, burial, or cremation, shall cause the part to be 887
removed without unnecessary mutilation. After removal of the part, 888
custody of the remainder of the decedent's body passes to the 889
persons to whom the right of disposition for the body has been 890
assigned pursuant to section 2108.70 of the Revised Code or who 891
have the right of disposition for the body as described in section 892
2108.81 of the Revised Code. 893

Sec. 2108.16. (A) Except as provided in division (B) of this 894
section, a physician or technician may remove a donated part from 895
the body of a donor that the physician or technician is qualified 896
to remove. 897

(B) Neither the physician who attends the decedent at death 898
nor the physician who determines the time of the decedent's death 899
shall participate in the procedures for removing or transplanting 900
a part from the decedent. 901

Sec. 2108.17. Each hospital in this state shall enter into 902
agreements or affiliations with procurement organizations for 903
coordination of procurement and use of anatomical gifts. 904

Sec. 2108.18. (A) Except as otherwise provided in division 905
(B) of this section, no person shall, for valuable consideration, 906
knowingly purchase or sell a part for transplantation or therapy 907
if removal of a part from an individual is intended to occur after 908
the individual's death. 909

(B) A person may charge a reasonable amount for the removal, 910
processing, preservation, quality control, storage, 911
transportation, implantation, or disposal of a part. 912

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 formulating <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 2108.15 <u>2108.34</u> of the Revised Code.	985 986 987
<u>Sec. 2108.24.</u> (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 (h) of this section, to whom the prospective donor has assigned the right of disposition for the prospective donor's body pursuant to section 2108.70 of the Revised Code or who have the right of disposition for the prospective donor's body at the time of death as described in section 2108.81 of the Revised Code. 1031
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(D) If an appropriate individual entitled to resolve a conflict between the terms of a prospective donor's declaration or advance health-care directive and the express or implied terms of a potential anatomical gift as described in division (C) of this section is not reasonably available to resolve the conflict, is incapacitated, or declines to resolve the conflict, the next priority individual or class of individuals specified in that division is authorized to resolve the conflict. 1037
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(E) If at least one individual in a class of individuals entitled to resolve a conflict between the terms of a prospective donor's declaration or advance health-care directive and the express or implied terms of a potential anatomical gift is not reasonably available, is incapacitated, or declines to resolve the conflict, the conflict shall be resolved by the individual or individuals in the class who are reasonably available, not incapacitated, and willing to resolve the conflict. 1045
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(F) If individuals in a class of individuals determined in accordance with division (C)(2) of this section disagree on how a conflict between the terms of a prospective donor's declaration or advance health-care directive and the express or implied terms of a potential anatomical gift should be resolved, the opinion of the majority of the individuals who are reasonably available, not incapacitated, and are willing to resolve the conflict shall prevail. 1053
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(G) A conflict between the terms of a prospective donor's declaration or directive and the express or implied terms of a 1061
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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 ophthalmological <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
(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;	1295 1296 1297 1298

(9) Development of statewide hospital training programs to encourage and facilitate compliance with section 2108.021 <u>sections 2108.14 and 2108.15</u> of the Revised Code concerning circumstances under which an anatomical gift is required to be requested;	1299 1300 1301 1302
(10) <u>(9)</u> 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
(11) <u>(10)</u> Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section 2108.17 <u>2108.35</u> of the Revised Code;	1306 1307 1308
(12) <u>(11)</u> 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 2108.17 <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
Sec. 2108.17 <u>2108.35</u>. (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) Except as provided in division (C) of this section, three <u>Three</u> members of the public appointed by the director who are not affiliated with recovery agencies <u>procurement organizations</u> ;	1343 1344 1345
(4) Two members appointed by the director who are either affiliated with recovery agencies <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) The members initially appointed under division (A)(3) of	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 2108.01 , 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,	1634
and eyes for any purpose authorized by law.	1635
OR	1636
... On my death, I make an anatomical gift of the following	1637
specified organs, tissues, or eyes for any purposes indicated	1638
below.	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	1658
2108.01 of the Revised Code.	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 2108.01 , 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 donation <u>gift</u> under section 2108.04 <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