

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 339

Senator Wagoner

Cosponsors: Senators Fedor, Kearney, Padgett, Schuler, Seitz

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A B I L L

To amend sections 124.04, 313.23, 2105.35, 2108.09, 1
2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2
2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 3
2133.01, 2133.07, 2133.16, 2305.37, 2919.16, 4
3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 5
4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 6
4508.021, and 4717.17, to amend, for the purpose 7
of adopting new section numbers as indicated in 8
parentheses, sections 2108.09 (2108.02), 2108.11 9
(2108.30), 2108.15 (2108.34), 2108.17 (2108.35), 10
2108.18 (2108.23), 2108.19 (2108.32), 2108.20 11
(2108.33), 2108.21 (2108.31), and 2108.30 12
(2108.40), to enact new sections 2108.01, 2108.03, 13
2108.04, 2108.05, 2108.06, 2108.07, 2108.08, 14
2108.09, 2108.10, 2108.11, 2108.12, 2108.15, 15
2108.17, 2108.18, 2108.19, 2108.20, and 2108.21, 16
and sections 2108.13, 2108.14, 2108.16, 2108.22, 17
2108.24, 2108.25, 2108.26, 2108.261, 2108.262, 18
2108.263, 2108.264, 2108.265, 2108.266, 2108.267, 19
2108.268, 2108.269, 2108.27, 2108.271, 2108.272, 20
2108.28, and 2108.29 and to repeal sections 21
2108.01, 2108.02, 2108.021, 2108.03, 2108.04, 22
2108.05, 2108.06, 2108.07, 2108.071, 2108.08, 23

2108.10, 2108.101, 2108.12, 2108.53, and 2108.60 24
of the Revised Code to adopt the Revised Uniform 25
Anatomical Gift Act. 26

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

Section 1. That sections 124.04, 313.23, 2105.35, 2108.09, 27
2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, 2108.21, 28
2108.30, 2108.78, 2108.99, 2133.01, 2133.07, 2133.16, 2305.37, 29
2919.16, 3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 4506.11, 30
4507.06, 4507.231, 4507.501, 4507.51, 4508.021, and 4717.17 be 31
amended, sections 2108.09 (2108.02), 2108.11 (2108.30), 2108.15 32
(2108.34), 2108.17 (2108.35), 2108.18 (2108.23), 2108.19 33
(2108.32), 2108.20 (2108.33), 2108.21 (2108.31), and 2108.30 34
(2108.40) be amended for the purpose of adopting new section 35
numbers as indicated in parentheses, and new sections 2108.01, 36
2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.08, 2108.09, 37
2108.10, 2108.11, 2108.12, 2108.15, 2108.17, 2108.18, 2108.19, 38
2108.20, and 2108.21, and sections 2108.13, 2108.14, 2108.16, 39
2108.22, 2108.24, 2108.25, 2108.26, 2108.261, 2108.262, 2108.263, 40
2108.264, 2108.265, 2108.266, 2108.267, 2108.268, 2108.269, 41
2108.27, 2108.271, 2108.272, 2108.28, and 2108.29 of the Revised 42
Code be enacted to read as follows: 43

Sec. 124.04. In addition to those powers enumerated in 44
Chapters 123. and 125. of the Revised Code and as provided 45
elsewhere by law, the powers, duties, and functions of the 46
department of administrative services not specifically vested in 47
and assigned to, or to be performed by, the state personnel board 48
of review are hereby vested in and assigned to, and shall be 49
performed by, the director of administrative services. These 50
powers, duties, and functions shall include, but shall not be 51
limited to, the following powers, duties, and functions: 52

(A) To prepare, conduct, and grade all competitive examinations for positions in the classified state service;	53 54
(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;	55 56
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;	57 58 59
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;	60 61 62 63
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	64 65 66 67 68 69 70
(F) To develop and conduct personnel recruitment services for positions in the state service;	71 72
(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	73 74
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with appointing authorities;	75 76 77 78
(I) To include periodically in communications sent to state employees both of the following:	79 80
(1) Information developed under section 2108.15 <u>2108.34</u> of the Revised Code promoting the donation of anatomical gifts under	81 82

Chapter 2108. of the Revised Code;	83
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	84 85 86
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	87 88 89 90
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	91 92 93 94 95
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	96 97 98 99 100 101 102
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	103 104 105 106
(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.	107 108 109 110
Sec. 313.23. (A) As used in this section:	111
(1) "Interested person" means an employee of the coroner's	112

office, a physician, dentist, nurse, professor at a medical 113
school, medical student, medical resident, nursing student, an 114
employee of a ~~recovery agency~~ procurement organization, a member 115
of a law enforcement agency, or any other person the coroner, in 116
the coroner's discretion, determines is appropriate. 117

(2) "~~Recovery agency~~ Procurement organization" has the same 118
meaning as in section 2108.01 of the Revised Code. 119

(B) The coroner may allow an interested person to view an 120
autopsy of a decedent without the interested person receiving 121
permission to view the decedent's autopsy from the decedent's next 122
of kin. 123

(C) No person who is under eighteen years of age and who is 124
not an interested person may view an autopsy. 125

Sec. 2105.35. (A)(1) A person is dead if the person has been 126
determined to be dead pursuant to standards established under 127
section ~~2108.30~~ 2108.40 of the Revised Code. 128

(2) A physician who makes a determination of death in 129
accordance with section ~~2108.30~~ 2108.40 of the Revised Code and 130
any person who acts in good faith in reliance on a determination 131
of death made by a physician in accordance with that section is 132
entitled to the immunity conveyed by that section. 133

(B) A certified or authenticated copy of a death certificate 134
purporting to be issued by an official or agency of the place 135
where the death of a person purportedly occurred is prima-facie 136
evidence of the fact, place, date, and time of the person's death 137
and the identity of the decedent. 138

(C) A certified or authenticated copy of any record or report 139
of a domestic or foreign governmental agency that a person is 140
missing, detained, dead, or alive is prima-facie evidence of the 141
status and of the dates, circumstances, and places disclosed by 142

the record or report. 143

(D) In the absence of prima-facie evidence of death under 144
division (B) or (C) of this section, the fact of death may be 145
established by clear and convincing evidence, including 146
circumstantial evidence. 147

(E) Except as provided in division (F) of this section, a 148
presumption of the death of a person arises: 149

(1) When the person has disappeared and been continuously 150
absent from the person's place of last domicile for a five-year 151
period without being heard from during the period; 152

(2) When the person has disappeared and been continuously 153
absent from the person's place of last domicile without being 154
heard from and was at the beginning of the person's absence 155
exposed to a specific peril of death, even though the absence has 156
continued for less than a five-year period. 157

(F) When a person who is on active duty in the armed services 158
of the United States has been officially determined to be absent 159
in a status of "missing" or "missing in action," a presumption of 160
death arises when the head of the federal department concerned has 161
made a finding of death pursuant to the "Federal Missing Persons 162
Act," 80 Stat. 625 (1966), 37 U.S.C.A. 551, as amended. 163

(G) In the absence of evidence disputing the time of death 164
stipulated on a document described in division (B) or (C) of this 165
section, a document described in either of those divisions that 166
stipulates a time of death one hundred twenty hours or more after 167
the time of death of another person, however the time of death of 168
the other person is determined, establishes by clear and 169
convincing evidence that the person survived the other person by 170
one hundred twenty hours. 171

(H) The provisions of divisions (A) to (G) of this section 172
are in addition to any other provisions of the Revised Code, the 173

Rules of Criminal Procedure, or the Rules of Evidence that pertain 174
to the determination of death and status of a person. 175

Sec. 2108.01. As used in sections 2108.02 to 2108.35 of the 176
Revised Code: 177

(A) "Adult" means an individual who is at least eighteen 178
years of age. 179

(B) "Agent" means an individual who is either of the 180
following: 181

(1) The principal's attorney in fact under a durable power of 182
attorney for health care; 183

(2) Expressly authorized to make an anatomical gift on the 184
principal's behalf by any other record signed by the principal. 185

(C) "Anatomical gift" means a donation of all or part of a 186
human body to take effect after the donor's death for the purpose 187
of transplantation, therapy, research, or education. 188

(D) "Decedent" means a deceased individual whose body or part 189
is or may be the source of an anatomical gift. The term includes a 190
stillborn infant and, subject to restrictions imposed by law other 191
than sections 2108.01 to 2108.29 of the Revised Code, a fetus. 192

(E) "Disinterested witness" means a witness other than a 193
spouse, child, parent, sibling, grandchild, grandparent, or 194
guardian of the individual who makes, amends, revokes, or refuses 195
to make an anatomical gift, or another adult who exhibited special 196
care and concern for the individual. "Disinterested witness" does 197
not include a person to which an anatomical gift could pass under 198
section 2108.11 of the Revised Code. 199

(F) "Document of gift" means a donor card or other record 200
used to make an anatomical gift. "Document of gift" includes a 201
statement or symbol on a driver's license or identification card 202
or in the donor registry. 203

<u>(G) "Donor" means an individual whose body or part is the</u>	204
<u>subject of an anatomical gift.</u>	205
<u>(H) "Donor registry" means a database that contains records</u>	206
<u>of anatomical gifts and amendments to or revocations of anatomical</u>	207
<u>gifts.</u>	208
<u>(I) "Driver's license" means a license or permit issued by</u>	209
<u>the registrar of motor vehicles, or a deputy registrar, to operate</u>	210
<u>a vehicle, whether or not conditions are attached to the license</u>	211
<u>or permit and includes a driver's license, commercial driver's</u>	212
<u>license, and a motorcycle operator's license or endorsement.</u>	213
<u>(J) "Durable power of attorney for health care" means a</u>	214
<u>document created pursuant to sections 1337.11 to 1337.17 of the</u>	215
<u>Revised Code.</u>	216
<u>(K) "Eye bank" means a person conducting operations in this</u>	217
<u>state that is licensed, accredited, or regulated under federal or</u>	218
<u>state law to engage in the recovery, screening, testing,</u>	219
<u>processing, storage, or distribution of human eyes or portions of</u>	220
<u>human eyes.</u>	221
<u>(L) "Guardian" means a person appointed by a court to make</u>	222
<u>decisions regarding the support, care, education, health, or</u>	223
<u>welfare of an individual. "Guardian" does not include a guardian</u>	224
<u>ad litem.</u>	225
<u>(M) "Hospital" has the same meaning as in section 3727.01 of</u>	226
<u>the Revised Code.</u>	227
<u>(N) "Identification card" means an identification card issued</u>	228
<u>by the registrar of motor vehicles or a deputy registrar.</u>	229
<u>(O) "Know" means to have actual knowledge.</u>	230
<u>(P) "Minor" means an individual who is under eighteen years</u>	231
<u>of age.</u>	232
<u>(Q) "Organ procurement organization" means a person</u>	233

conducting operations in this state that is designated by the 234
secretary of the United States department of health and human 235
services as an organ procurement organization. 236

(R) "Parent" means a parent whose parental rights have not 237
been terminated. 238

(S) "Part" means an organ, an eye, or tissue of a human 239
being. "Part" does not include the whole body. 240

(T) "Person" means an individual, corporation, business 241
trust, estate, trust, partnership, limited liability company, 242
association, joint venture, public corporation, government or 243
governmental subdivision, agency, or instrumentality, or any other 244
legal or commercial entity. 245

(U) "Physician" means an individual authorized under Chapter 246
4731. of the Revised Code to practice medicine and surgery, 247
osteopathic medicine and surgery, or podiatric medicine and 248
surgery, or an individual authorized under the laws of any other 249
state to practice medicine and surgery, osteopathic medicine and 250
surgery, or podiatric medicine and surgery. 251

(V) "Procurement organization" means an eye bank, organ 252
procurement organization, or tissue bank. 253

(W) "Prospective donor" means an individual who is dead or 254
near death and has been determined by a procurement organization 255
to have a part that could be medically suitable for 256
transplantation, therapy, research, or education. "Prospective 257
donor" does not include an individual who has made a refusal. 258

(X) "Reasonably available" means able to be contacted by a 259
procurement organization without undue effort and willing and able 260
to act in a timely manner consistent with existing medical 261
criteria necessary for the making of an anatomical gift. 262

(Y) "Recipient" means an individual into whose body a 263

decendent's part has been or is intended to be transplanted. 264

(Z) "Record" means information that is inscribed on a 265
tangible medium or that is stored in an electronic or other medium 266
and is retrievable in perceivable form. 267

(AA) "Refusal" means a record created under section 2108.07 268
of the Revised Code that expressly states an intent to bar other 269
persons from making an anatomical gift of an individual's body or 270
part. 271

(BB) "Sign" means to do either of the following with the 272
present intent to authenticate or adopt a record: 273

(1) Execute or adopt a tangible symbol; 274

(2) Attach to or logically associate with the record an 275
electronic symbol, sound, or process. 276

(CC) "Technician" means an individual determined to be 277
qualified to remove or process parts by an appropriate 278
organization that is licensed, accredited, or regulated under 279
federal or state law. "Technician" includes an enucleator and an 280
embalmer licensed pursuant to Chapter 4717. of the Revised Code 281
who has completed a course in eye enucleation and has received a 282
certificate of competency to that effect from a school of medicine 283
recognized by the state medical board or from an eye bank that is 284
a member of the eye bank association of America. 285

(DD) "Tissue" means a portion of the human body other than an 286
organ or an eye. "Tissue" does not include blood unless the blood 287
is donated for the purpose of research or education. 288

(EE) "Tissue bank" means a person conducting operations in 289
this state that is licensed, accredited, or regulated under 290
federal or state law to engage in the recovery, screening, 291
testing, processing, storage, or distribution of tissue. 292

(FF) "Transplant hospital" means a hospital that furnishes 293

organ transplants and other medical and surgical specialty 294
services required for the care of transplant patients. 295

Sec. ~~2108.09~~ 2108.02. Sections 2108.01 to ~~2108.09, inclusive,~~ 296
2108.29 of the Revised Code, are enacted to adopt the Revised 297
Uniform Anatomical Gift Act ~~(1968)~~ (2006), national conference of 298
commissioners on uniform state laws, ~~and shall be construed so as~~ 299
~~to effectuate its general purpose to make uniform the law of those~~ 300
~~states which enact it.~~ 301

Sec. 2108.03. Sections 2108.01 to 2108.29 of the Revised Code 302
apply to an anatomical gift or amendment to, revocation of, or 303
refusal to make an anatomical gift, whenever made. 304

Sec. 2108.04. Subject to section 2108.08 of the Revised Code, 305
an anatomical gift of a donor's body or part may be made during 306
the life of the donor for the purpose of transplantation, therapy, 307
research, or education in the manner provided in section 2108.05 308
of the Revised Code by any of the following: 309

(A) The donor, if the donor is an adult or if the donor is a 310
minor and either of the following applies: 311

(1) The donor is emancipated. 312

(2) The donor is authorized to apply for a temporary 313
instruction permit issued under section 4507.05 of the Revised 314
Code because the donor is at least fifteen years and six months of 315
age. 316

(B) An agent of the donor, unless the durable power of 317
attorney for health care or other record prohibits the agent from 318
making an anatomical gift; 319

(C) A parent of the donor, if the donor is an unemancipated 320
minor; 321

(D) The donor's guardian. 322

Sec. 2108.05. (A) A donor may make an anatomical gift by 323
doing any of the following: 324

(1) Authorizing a statement or symbol to be imprinted on the 325
donor's driver's license or identification card indicating that 326
the donor has certified a willingness to make an anatomical gift; 327

(2) Specifying in the donor's will an intent to make an 328
anatomical gift; 329

(3) Specifying an intent to make an anatomical gift in the 330
donor's declaration as described in section 2133.16 of the Revised 331
Code; 332

(4) During a terminal illness or injury of the donor, 333
communicating in any manner to a minimum of two adults, at least 334
one of whom is a disinterested witness, that the donor intends to 335
make an anatomical gift; 336

(5) Following the procedure in division (B) of this section. 337

(B) A donor or other person authorized to make an anatomical 338
gift under section 2108.04 of the Revised Code may make a gift by 339
a donor card or other record signed by the donor or other person 340
making the gift or by authorizing that a statement or symbol 341
indicating that the donor has certified a willingness to make an 342
anatomical gift be included in a donor registry. If the donor or 343
other person is physically unable to sign a record, the record may 344
be signed by another individual at the direction of the donor or 345
other person and shall do both of the following: 346

(1) Be witnessed by at least two adults, at least one of whom 347
is a disinterested witness, who have signed at the request of the 348
donor or the other person; 349

(2) State that it has been signed and witnessed as provided 350
in division (B)(1) of this section. 351

(C) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift. 352
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(D) An anatomical gift made by will takes effect on the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift. 355
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Sec. 2108.06. (A) Subject to section 2108.08 of the Revised Code, an anatomical gift made under section 2108.04 of the Revised Code may be amended by any of the following means: 358
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(1) By a record signed by the donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code; 361
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(2) Subject to division (C) of this section, by a record signed by another individual acting at the direction of the donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code if the donor or other person is physically unable to sign; 364
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(3) By a later-executed document of gift that amends a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency; 369
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(4) If not made in a will, by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness; 372
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(5) If made in a will, by the manner provided for amendment of wills; 375
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(6) By a parent who is reasonably available, if the donor is an unemancipated minor who has died. 377
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(B) Subject to section 2108.08 of the Revised Code, an anatomical gift made under section 2108.04 of the Revised Code may be revoked by any of the following means: 379
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(1) By a record signed by the donor or other person 382
authorized to make an anatomical gift under section 2108.04 of the 383
Revised Code; 384

(2) Subject to division (C) of this section, by a record 385
signed by another individual acting at the direction of the donor 386
or other person authorized to make an anatomical gift under 387
section 2108.04 of the Revised Code if the donor or other person 388
is physically unable to sign; 389

(3) By a later-executed document of gift that revokes a 390
previous anatomical gift or portion of an anatomical gift, either 391
expressly or by inconsistency; 392

(4) If not made in a will, by any form of communication 393
during a terminal illness or injury addressed to at least two 394
adults, at least one of whom is a disinterested witness; 395

(5) If made in a will, by the manner provided for revocation 396
of wills; 397

(6) By a parent who is reasonably available, if the donor is 398
an unemancipated minor who has died; 399

(7) By the destruction or cancellation of the document of 400
gift, or the portion of the document of gift, used to make the 401
gift, with the intent to revoke the gift. 402

(C) A record signed pursuant to division (A)(2) or (B)(2) of 403
this section shall do both of the following: 404

(1) Be witnessed by a minimum of two adults, at least one of 405
whom is a disinterested witness, who have signed at the request of 406
the donor or other person; 407

(2) State that it has been signed and witnessed as provided 408
in division (C)(1) of this section. 409

Sec. 2108.07. (A) An individual may refuse to make an 410

anatomical gift of the individual's body or part by doing any of 411
the following: 412

(1) Indicating a refusal in a record signed by either of the 413
following: 414

(a) The individual; 415

(b) Subject to division (B) of this section, another 416
individual acting at the direction of the individual, if the 417
individual is physically unable to sign. 418

(2) Indicating a refusal in the individual's will, whether or 419
not the will is admitted to probate or invalidated after the 420
individual's death; 421

(3) Indicating a refusal by any form of communication made by 422
the individual during the individual's terminal illness or injury 423
addressed to a minimum of two adults, at least one of whom is a 424
disinterested witness. 425

(B) A record signed pursuant to division (A)(1)(b) of this 426
section shall do both of the following: 427

(1) Be witnessed by at least two adults, at least one of whom 428
is a disinterested witness, who have signed at the request of the 429
individual; 430

(2) State that it has been signed and witnessed as provided 431
in division (B)(1) of this section. 432

(C) An individual who has made a refusal may amend or revoke 433
the refusal by doing any of the following: 434

(1) Amending or revoking the refusal in the manner provided 435
in division (A) of this section for making a refusal; 436

(2) Subsequently making an anatomical gift pursuant to 437
section 2108.05 of the Revised Code that is inconsistent with the 438
refusal; 439

(3) Destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal. 440
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(D) Except as provided in division (E) of this section, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part. 443
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(E) The parent of a deceased unemancipated minor who is reasonably available may revoke a refusal made by the minor. 449
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Sec. 2108.08. (A) Subject to division (F) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor shall be barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an 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. 451
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(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. 459
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(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. 465
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(D) A revocation of an anatomical gift of a donor's body or part under section 2108.06 of the Revised Code by a person other than the donor 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;

<u>(3) The decedent's surviving adult children;</u>	501
<u>(4) The decedent's surviving parent or parents;</u>	502
<u>(5) The decedent's surviving adult siblings;</u>	503
<u>(6) The decedent's surviving adult grandchildren;</u>	504
<u>(7) The decedent's surviving grandparent or grandparents;</u>	505
<u>(8) A surviving adult who exhibited special care and concern for the decedent;</u>	506 507
<u>(9) The persons who were acting as the guardians of the person of the decedent at the time of death;</u>	508 509
<u>(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.</u>	510 511 512 513 514 515
<u>(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 person to which the gift may pass under section 2108.11 of the Revised Code knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.</u>	516 517 518 519 520 521 522 523 524
<u>(C) A person shall not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under division (A) of this section is reasonably available to make or object to the making of an anatomical gift.</u>	525 526 527 528
<u>Sec. 2108.10. (A) A person authorized to make an anatomical</u>	529

gift under section 2108.09 of the Revised Code may make an 530
anatomical gift by a document of gift signed by the person making 531
the gift or by that person's oral communication that is 532
electronically recorded or is contemporaneously reduced to a 533
record and signed by the individual receiving the oral 534
communication. 535

(B) Subject to division (C) of this section, an anatomical 536
gift made by a person authorized to make a gift under section 537
2108.09 of the Revised Code may be amended or revoked orally or in 538
a record by any member of a prior class who is reasonably 539
available. If more than one member of the prior class is 540
reasonably available, the gift made by a person authorized to make 541
a gift under section 2108.09 of the Revised Code may be amended if 542
a majority of the reasonably available members agree to the 543
amendment or revoked if at least half of the reasonably available 544
members agree to the revocation. 545

(C) A revocation under division (B) of this section shall be 546
effective only if the procurement organization, transplant 547
hospital, physician, or technician knows of the revocation, before 548
an incision has been made to remove a part from the donor's body 549
or before invasive procedures have begun to prepare the recipient. 550

Sec. 2108.11. (A) An anatomical gift may be made to any of 552
the following persons named in the document of gift: 553

(1) A hospital; an accredited medical school, dental school, 554
college, or university; an organ procurement organization; or 555
another appropriate person, for research or education; 556

(2) Subject to division (B) of this section, an individual 557
designated by the person making the anatomical gift if the 558
individual is the recipient of the part; 559

<u>(3) An eye bank or tissue bank.</u>	560
<u>(B) If an anatomical gift to an individual under division</u>	561
<u>(A)(2) of this section cannot be transplanted into the individual,</u>	562
<u>the part shall pass in accordance with division (G) of this</u>	563
<u>section in the absence of an express, contrary indication by the</u>	564
<u>person making the anatomical gift.</u>	565
<u>(C) If an anatomical gift of one or more specific parts or of</u>	566
<u>all parts is made in a document of gift that does not name a</u>	567
<u>person described in division (A) of this section but identifies</u>	568
<u>the purpose for which an anatomical gift may be used, the</u>	569
<u>following rules apply:</u>	570
<u>(1) If the part is an eye and the gift is for the purpose of</u>	571
<u>transplantation or therapy, the gift shall pass to the appropriate</u>	572
<u>eye bank.</u>	573
<u>(2) If the part is tissue and the gift is for the purpose of</u>	574
<u>transplantation or therapy, the gift shall pass to the appropriate</u>	575
<u>tissue bank.</u>	576
<u>(3) If the part is an organ and the gift is for the purpose</u>	577
<u>of transplantation or therapy, the gift shall pass to the</u>	578
<u>appropriate organ procurement organization as custodian of the</u>	579
<u>organ.</u>	580
<u>(4) If the part is an organ, an eye, or tissue and the gift</u>	581
<u>is for the purpose of research or education, the gift shall pass</u>	582
<u>to the appropriate procurement organization.</u>	583
<u>(D) For the purpose of division (C) of this section, if there</u>	584
<u>is more than one purpose of an anatomical gift set forth in the</u>	585
<u>document of gift but the purposes are not set forth in any</u>	586
<u>priority, the gift shall be used for transplantation or therapy,</u>	587
<u>if suitable. If the gift cannot be used for transplantation or</u>	588
<u>therapy, the gift may be used for research or education.</u>	589

(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. 590
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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. 596
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(G) For purposes of divisions (B), (E), and (F) of this section, the following rules apply: 602
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(1) If the part is an eye, the gift shall pass to the appropriate eye bank. 604
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(2) If the part is tissue, the gift shall pass to the appropriate tissue bank. 606
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(3) If the part is an organ, the gift shall pass to the appropriate organ procurement organization as custodian of the organ. 608
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(H) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under division (A)(2) of this section, shall pass to the organ procurement organization as custodian of the organ. 611
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(I) If an anatomical gift does not pass pursuant to divisions (A) to (H) of this section, or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part shall pass to the person 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 has the right of 615
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disposition for the decedent's body as described in section 621
2108.81 of the Revised Code. 622

(J) A person shall not accept an anatomical gift if the 623
person knows that the gift was not effectively made under section 624
2108.05 or 2108.10 of the Revised Code, or if the person knows 625
that the decedent made a refusal under section 2108.07 of the 626
Revised Code that was not revoked. For purposes of this division, 627
if a person knows that an anatomical gift was made on a document 628
of gift, the person is deemed to know of any amendment or 629
revocation of the gift or any refusal to make an anatomical gift 630
on the same document of gift. 631

(K) Except as otherwise provided in division (A)(2) of this 632
section, nothing in sections 2108.01 to 2108.29 of the Revised 633
Code affects the allocation of organs for transplantation or 634
therapy. 635

Sec. 2108.12. (A) The following persons shall make a 636
reasonable search of the body of an individual who the person 637
reasonably believes is dead or near death for a document of gift 638
or other information identifying the individual as a donor or as 639
an individual who made a refusal: 640

(1) A law enforcement officer as defined in section 2901.01 641
of the Revised Code; 642

(2) A member of a fire department as defined in section 643
4117.01 of the Revised Code; 644

(3) A holder of a certificate issued under Chapter 4765. of 645
the Revised Code finding the individual in the course of 646
employment. 647

(B) If a document of gift or refusal to make an anatomical 648
gift is located by the search required by division (A) of this 649
section, and the individual or deceased individual to whom it 650

relates is taken to a hospital, the person responsible for 651
conducting the search shall send the document of gift or refusal 652
to the hospital. 653

(C) A person is not subject to criminal or civil liability 654
for failing to discharge the duties imposed by this section but 655
may be subject to any of the following: 656

(1) Disciplinary action under a collective bargaining 657
agreement, if the person is covered by a collective bargaining 658
agreement entered into under Chapter 4117. of the Revised Code; 659

(2) Disciplinary action under section 124.34 of the Revised 660
Code, if the person is an officer or employee in the classified 661
service of this state or the counties, civil service townships, 662
cities, city health districts, general health districts, or city 663
school districts of this state; 664

(3) Disciplinary action by the person's employer. 665

Sec. 2108.13. (A) A document of gift need not be delivered 666
during the donor's lifetime to be effective. 667

(B) On or after an individual's death, a person in possession 668
of a document of gift or a refusal to make an anatomical gift with 669
respect to the individual shall allow examination and copying of 670
the document of gift or refusal by a person authorized to make or 671
object to the making of an anatomical gift with respect to the 672
individual or by a person to which the gift could pass under 673
section 2108.11 of the Revised Code. 674

Sec. 2108.14. (A) When a hospital employee or agent refers an 675
individual at or near death to a procurement organization, the 676
organization shall make a reasonable search of the records of the 677
bureau of motor vehicles and any donor registry that it knows 678
exists for the geographical area in which the individual resides 679
to ascertain whether the individual has made an anatomical gift. 680

The bureau of motor vehicles shall allow the procurement organization reasonable access to its records for purposes of ascertaining whether the individual is a donor. 681
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(B) When a hospital employee or agent refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part shall not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent. 684
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(C) Unless prohibited by law other than sections 2108.01 to 2108.25 of the Revised Code, at any time after a donor's death, the person to which a part passes under section 2108.11 of the Revised Code may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose. 694
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(D) Unless prohibited by law other than sections 2108.01 to 2108.29 of the Revised Code, an examination under division (B) or (C) of this section may include an examination of all medical and dental records of the donor or prospective donor. 700
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(E) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal. 704
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(F) Upon referral by a hospital under division (A) of this section, a procurement organization shall make a reasonable search 710
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for any person listed in section 2108.09 of the Revised Code 712
having an opportunity to make an anatomical gift on behalf of the 713
prospective donor. If a procurement organization receives 714
information that an anatomical gift to any other person was made, 715
amended, or revoked, it shall promptly advise the other person of 716
all relevant information. 717

Sec. 2108.15. Subject to division (I) of section 2108.11 and 718
sections 2108.26 to 2108.272 of the Revised Code, the rights of 719
the person to which a part passes under section 2108.11 of the 720
Revised Code shall be superior to the rights of all others with 721
respect to the part. The person may accept or reject an anatomical 722
gift in whole or in part. Subject to the terms of the document of 723
gift and sections 2108.01 to 2108.29 of the Revised Code, a person 724
that accepts an anatomical gift or an entire body may allow 725
embalming, burial, or cremation, and use of remains in a funeral 726
service. If the gift is of a part, the person to whom the part 727
passes under section 2108.11 of the Revised Code, upon the death 728
of the donor and before embalming, burial, or cremation, shall 729
cause the part to be removed without unnecessary mutilation. 730
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Sec. 2108.16. (A) Except as provided in division (B) of this 732
section, a physician or technician may remove a donated part from 733
the body of a donor that the physician or technician is qualified 734
to remove. 735

(B) Neither the physician who attends the decedent at death 736
nor the physician who determines the time of the decedent's death 737
shall participate in the procedures for removing or transplanting 738
a part from the decedent. 739

Sec. 2108.17. Each hospital in this state shall enter into 740
agreements or affiliations with procurement organizations for 741

coordination of procurement and use of anatomical gifts. 742

Sec. 2108.18. (A) Except as otherwise provided in division 743
(B) of this section, no person shall, for valuable consideration, 744
knowingly purchase or sell a part for transplantation or therapy 745
if removal of a part from an individual is intended to occur after 746
the individual's death. 747

(B) A person may charge a reasonable amount for the removal, 748
processing, preservation, quality control, storage, 749
transportation, implantation, or disposal of a part. 750

Sec. 2108.19. No person shall intentionally falsify, forge, 751
conceal, deface, or obliterate a document of gift, an amendment or 752
revocation of a document of gift, or a refusal in order to obtain 753
a financial gain. 754

Sec. 2108.20. (A) A person who acts in accordance with 755
sections 2108.01 to 2108.29 of the Revised Code or with the 756
applicable anatomical gift laws of another state, or attempts in 757
good faith to do so, is not liable for the act in a civil action, 758
criminal prosecution, or administrative proceeding. 759

(B) Neither the person making the anatomical gift nor the 760
donor's estate is liable for any injury or damage that results 761
from the making or use of the gift. 762

Sec. 2108.21. In determining whether an anatomical gift has 763
been made, amended, or revoked under sections 2108.01 to 2108.29 764
of the Revised Code, a person may rely upon representations of an 765
individual listed in division (A)(2), (3), (4), (5), (6), (7), or 766
(8) of section 2108.09 of the Revised Code relating to the 767
individual's relationship to the donor or prospective donor unless 768
the person knows that the representation is untrue. 769

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Anything else the registrar considers appropriate.

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

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

(D) The costs of developing and initially implementing the registry shall be paid from the second chance trust fund created in section ~~2108.15~~ 2108.34 of the Revised Code.

Sec. 2108.24. (A) As used in this section:

(1) "Advance health-care directive" means a durable power of

attorney for health care or a record signed by a prospective donor 828
containing the prospective donor's direction concerning a 829
health-care decision. 830

(2) "Declaration" means a written document executed in 831
accordance with section 2133.02 of the Revised Code. 832

(3) "Health care decision" means any decision regarding the 833
health care of the prospective donor. 834

(B) If a prospective donor has a declaration or advance 835
health-care directive the terms of which are in conflict with the 836
express or implied terms of a potential anatomical gift with 837
regard to administration of measures necessary to ensure the 838
medical suitability of a part for transplantation or therapy and 839
the prospective donor is capable of resolving the conflict, 840
subject to division (G) of this section, the prospective donor's 841
attending physician shall confer with the prospective donor to 842
resolve the conflict. 843

(C) If a prospective donor has a declaration or advance 844
health-care directive the terms of which are in conflict with the 845
express or implied terms of a potential anatomical gift with 846
regard to administration of measures necessary to ensure the 847
medical suitability of a part for transplantation or therapy and 848
the prospective donor is incapable of resolving the conflict, one 849
of the following shall apply depending on the circumstances: 850

(1) If the prospective donor has an agent, the agent shall, 851
subject to division (G) of this section, act for the prospective 852
donor to resolve the conflict. 853

(2) If the prospective donor does not have an agent, the 854
individual or class of individuals determined in the following 855
descending order of priority and subject to divisions (D), (E), 856
(F), and (G) of this section shall act for the prospective donor 857
to resolve the conflict: 858

<u>(a) The prospective donor's surviving spouse;</u>	859
<u>(b) The prospective donor's surviving adult children;</u>	860
<u>(c) The prospective donor's surviving parent or parents;</u>	861
<u>(d) The prospective donor's surviving adult siblings;</u>	862
<u>(e) The prospective donor's surviving adult grandchildren;</u>	863
<u>(f) The prospective donor's surviving grandparent or grandparents;</u>	864 865
<u>(g) A surviving adult who exhibited special care and concern for the prospective donor;</u>	866 867
<u>(h) The prospective donor's guardians of the person;</u>	868
<u>(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.</u>	869 870 871 872 873 874
<u>(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.</u>	875 876 877 878 879 880 881 882
<u>(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</u>	883 884 885 886 887 888

individuals in the class who are reasonably available, not 889
incapacitated, and willing to resolve the conflict. 890

(F) If individuals in a class of individuals determined in 891
accordance with division (C)(2) of this section disagree on how a 892
conflict between the terms of a prospective donor's declaration or 893
advance health-care directive and the express or implied terms of 894
a potential anatomical gift should be resolved, the opinion of the 895
majority of the individuals who are reasonably available, not 896
incapacitated, and are willing to resolve the conflict shall 897
prevail. 898

(G) A conflict between the terms of a prospective donor's 899
declaration or directive and the express or implied terms of a 900
potential anatomical gift with regard to the administration of 901
measures necessary to ensure the medical suitability of a part for 902
transplantation or therapy shall be resolved as expeditiously as 903
possible. Information relevant to the resolution of the conflict 904
may be obtained from the appropriate procurement organization and 905
any other person authorized to make an anatomical gift for the 906
prospective donor under section 2108.09 of the Revised Code. 907
Before resolution of the conflict, measures necessary to ensure 908
the medical suitability of the part shall not be withheld or 909
withdrawn from the prospective donor unless withholding or 910
withdrawing the measures is necessary for appropriate end-of-life 911
care. 912

Sec. 2108.25. As used in this section, "coroner" includes a 913
medical examiner. 914

A coroner shall cooperate with procurement organizations as 915
described in sections 2108.26 to 2108.271 of the Revised Code to 916
maximize the opportunity to recover anatomical gifts for the 917
purpose of transplantation, therapy, research, or education. 918

Sec. 2108.26. As used in this section and sections 2108.261 919
to 2108.27 and section 2108.272 of the Revised Code, "coroner" has 920
the same meaning as in section 2108.25 of the Revised Code. 921

On request of a procurement organization, a coroner shall, if 922
such information is available, release to the procurement 923
organization the name, contact information, and available medical 924
and social history of a decedent whose body is under the 925
jurisdiction of the coroner. 926

If the decedent's body or part is medically suitable for 927
life-saving organ transplantation or therapy, the coroner shall 928
release post-mortem examination results to the procurement 929
organization. The procurement organization shall make a subsequent 930
disclosure of the post-mortem examination results or other 931
information received from the coroner only if relevant to 932
life-saving organ transplantation or therapy. 933

Sec. 2108.261. A coroner may conduct a medicolegal 934
examination by reviewing all medical records, laboratory test 935
results, x-rays, other diagnostic results, and other information 936
that any person possesses about a donor or prospective donor whose 937
body is under the jurisdiction of the coroner which the coroner 938
determines may be relevant to the investigation. 939

Sec. 2108.262. A person that has any information requested by 940
a coroner pursuant to section 2108.26 of the Revised Code shall 941
provide that information as expeditiously as possible to allow the 942
coroner to conduct the medicolegal investigation within a period 943
compatible with the preservation of parts for the purpose of 944
life-saving organ transplantation or therapy. 945

Sec. 2108.263. If either of the following are true, a coroner 946
and procurement organization shall cooperate in the timely removal 947

of a part from the decedent for the purpose of life-saving organ 948
transplantation or therapy: 949

(A) An anatomical gift has been or might be made of a part of 950
a decedent whose body is under the jurisdiction of the coroner and 951
a post-mortem examination or autopsy is not required. 952

(B) The decedent has been referred to the coroner for 953
post-mortem examination, it is determined that an autopsy is 954
required, and after consultation with the prosecuting attorney, if 955
a consultation is necessary, it is determined that the recovery of 956
the parts that are the subject of an anatomical gift will not 957
interfere with the autopsy. 958

Sec. 2108.264. If an anatomical gift of a part from a 959
decedent under the jurisdiction of the coroner has been or might 960
be made and, after any necessary consultation with the prosecuting 961
attorney, it is determined that the recovery of the part could 962
interfere with the determination of the decedent's cause or manner 963
of death, the coroner shall communicate with the procurement 964
organization or physician or technician designated by the 965
procurement organization about the proposed recovery. The 966
procurement organization shall provide the coroner with all 967
information the procurement organization has that could relate to 968
the cause or manner of death. The coroner shall allow the recovery 969
unless the coroner reasonably believes that the part or the 970
decedent's intact body is needed for law enforcement purposes. 971

Sec. 2108.265. A coroner and a procurement organization shall 973
enter into an agreement establishing protocols and procedures 974
governing the relations between them when an anatomical gift of a 975
part from a decedent whose body is under the jurisdiction of the 976
coroner has been or might be made, but the coroner believes that 977

the recovery of the part could interfere with the post-mortem 978
investigation into the decedent's cause or manner of death. 979
Decisions regarding the recovery of the part from the decedent 980
shall be made in accordance with the agreement. The coroner and 981
procurement organization shall evaluate the effectiveness of the 982
agreement at regular intervals but not less than every two years. 983

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Sec. 2108.266. In the absence of an agreement entered into 985
under section 2108.265 of the Revised Code establishing protocols 986
and procedures governing the relations between a coroner and a 987
procurement organization, if the coroner intends to deny recovery 988
of an organ for transplantation or therapy from a decedent whose 989
body is under the jurisdiction of the coroner, the coroner or the 990
coroner's designee, at the request of the procurement 991
organization, shall attend the removal procedure for the organ 992
before making a final determination not to allow the procurement 993
organization to recover the organ. During the removal procedure, 994
the coroner or the coroner's designee may allow recovery by the 995
procurement organization to proceed, or, if the coroner or the 996
coroner's designee reasonably believes that the organ may be 997
involved in determining the decedent's cause or manner of death or 998
that the organ or the decedent's intact body is needed for law 999
enforcement purposes, deny recovery by the procurement 1000
organization. 1001

A coroner may designate another coroner or employees of 1002
another coroner's office to act on the coroner's behalf under this 1003
section. 1004

Sec. 2108.267. (A) Except as provided in division (B) of this 1005
section, if the coroner or the coroner's designee denies recovery 1006
of an organ, tissue, or eye from a decedent whose body is under 1007

the jurisdiction of the coroner, the coroner or designee shall do 1008
all of the following: 1009

(1) Explain in a record the specific reasons for not allowing 1010
recovery of the part; 1011

(2) Include in the records of the coroner the specific 1012
reasons for not allowing recovery of the part; 1013

(3) Provide a record with the specific reasons for not 1014
allowing recovery of the part to the procurement organization. 1015

(B) The requirements of division (A) of this section do not 1016
apply when a coroner or designee denies recovery of an organ from 1017
a decedent under two years of age. 1018

Sec. 2108.268. If a procurement organization refuses to 1019
accept an anatomical gift of a part from a decedent whose body is 1020
under the jurisdiction of a coroner, the organization shall 1021
explain to the coroner, in writing, the organization's reasons for 1022
not accepting the part. 1023

Sec. 2108.269. If the coroner or the coroner's designee 1024
allows recovery of a part under section 2108.263, 2108.264, 1025
2108.265, or 2108.266 of the Revised Code, the procurement 1026
organization shall, on the coroner's request, cooperate with the 1027
coroner in any documentation of injuries and the preservation and 1028
collection of evidence prior to and during the recovery of the 1029
part and shall provide the coroner with a record describing the 1030
condition of the part, a biopsy, a photograph, and any other 1031
information and observations that would assist in the post-mortem 1032
examination. 1033

Sec. 2108.27. If a coroner or a coroner's designee is able to 1034
attend a removal procedure under section 2108.266 of the Revised 1035

Code, on request of the coroner or coroner's designee the 1036
procurement organization requesting the recovery of the organ 1037
shall reimburse the office of the coroner for the additional costs 1038
incurred in attending the removal procedure. Any reimbursement 1039
made under this section shall be applied directly to, and used 1040
only for the purpose of, offsetting the salary, wages, and 1041
expenses of the coroner's office. 1042

Sec. 2108.271. Any recovery or removal procedure conducted 1043
under section 2108.263, 2108.264, 2108.265, or 2108.266 of the 1044
Revised Code shall be conducted within a period compatible with 1045
the preservation of parts for the purpose of transplantation, 1046
therapy, research, or education. 1047

Sec. 2108.272. A coroner or coroner's designee shall not be 1048
subject to liability in tort or other civil action for denying 1049
recovery of a part from a decedent whose body is under the 1050
jurisdiction of the coroner. 1051

Sec. 2108.28. In applying and construing the Revised Uniform 1052
Anatomical Gift Act enacted in sections 2108.01 to 2108.29 of the 1053
Revised Code, consideration shall be given to the need to promote 1054
uniformity of the law with respect to its subject matter among 1055
states that enact it. 1056

Sec. 2108.29. This section and sections 2108.01 to 2108.28 of 1057
the Revised Code modify, limit, and supersede the "Electronic 1058
Signatures in Global and National Commerce Act," 15 U.S.C. 7001 et 1059
seq., but do not modify, limit, or supersede section 101(a) of 1060
that act, 15 U.S.C. 7001, or authorize electronic delivery of any 1061
of the notices described in division 103(b) of that act, 15 U.S.C. 1062
7003(b). 1063

Nothing in this section, or sections 2108.01 to 2108.28 of 1064
the Revised Code, negates the applicability of sections 1306.01 to 1065
1306.15 of the Revised Code to this section or sections 2108.01 to 1066
2108.28 of the Revised Code. 1067

Sec. ~~2108.11~~ 2108.30. Subject to the prohibition in section 1068
~~2108.12~~ 2108.18 of the Revised Code, the procuring, furnishing, 1069
donating, processing, distributing, or using of human whole blood, 1070
plasma, blood products, blood derivatives, and products, corneas, 1071
bones, organs, or other human tissue except hair, for the purpose 1072
of injecting, transfusing, or transplanting the fluid or body part 1073
in another human body, is considered for all purposes as the 1074
rendition of a service by every person participating in the act 1075
and not a sale of any such fluid or body part. No warranties of 1076
any kind or description are applicable to the act. 1077

Sec. ~~2108.21~~ 2108.31. Any person seventeen years of age or 1078
older may donate blood in a voluntary blood program, which is not 1079
operated for profit, without consent of ~~his~~ the person's parent or 1080
guardian. Before obtaining blood donations from students at high 1081
schools, joint vocational schools, or technical schools, a blood 1082
program shall arrange for the dissemination of written donation 1083
information to students to be shared with their parents or 1084
guardians. This information shall include a statement that the 1085
students will be requested to donate blood. 1086

Sec. ~~2108.19~~ 2108.32. The bureau of motor vehicles shall 1087
maintain a toll-free telephone number available twenty-four hours 1088
a day that the public may use to obtain information on becoming an 1089
organ, tissue, or eye donor as provided in section ~~2108.04~~ 2108.05 1090
of the Revised Code. The bureau of motor vehicles shall pay the 1091
costs of maintaining the toll-free telephone number. 1092

Sec. ~~2108.20~~ 2108.33. The bureau of motor vehicles, registrar 1093
of motor vehicles, deputy registrars of motor vehicles, and agents 1094
and employees of the bureau of motor vehicles are not liable for 1095
damages in any civil action or subject to prosecution in a 1096
criminal proceeding for acting, attempting to act, or failing to 1097
act in accordance with section ~~2108.18, 2108.19~~ 2108.23, 2108.32, 1098
or 4501.024 of the Revised Code, unless the act, attempt, or 1099
omission was committed or omitted with malicious purpose, in bad 1100
faith, or in a wanton or reckless manner. 1101

Sec. ~~2108.15~~ 2108.34. (A) There is hereby created in the 1102
state treasury the second chance trust fund. The fund shall 1103
consist of voluntary contributions deposited as provided in 1104
sections 4503.721, 4506.081, 4507.231, and 4507.501 of the Revised 1105
Code. All investment earnings of the fund shall be credited to the 1106
fund. 1107

(B) The director of health shall use the money in the fund 1108
only for the following purposes: 1109

(1) Development and implementation of a campaign that 1110
explains and promotes the second chance trust fund; 1111

(2) Development and implementation of local and statewide 1112
public education programs about organ, tissue, and eye donation, 1113
including the informational material required to be provided under 1114
sections 4506.081, 4507.231, and 4507.501 of the Revised Code; 1115

(3) Development and implementation of local and statewide 1116
donor awareness programs in schools; 1117

(4) Development and implementation of local and statewide 1118
programs to recognize donor families; 1119

(5) Development and distribution of materials promoting 1120
organ, tissue, and eye donation; 1121

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

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

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

~~(9) Development of statewide hospital training programs to encourage and facilitate compliance with ~~section 2108.021~~ sections 2108.14 and 2108.15 of the Revised Code ~~concerning circumstances under which an anatomical gift is required to be requested;~~~~

~~(10)~~(9) Reimbursement of the bureau of motor vehicles for the administrative costs incurred in the performance of duties under sections 4506.081, 4507.231, and 4507.501 of the Revised Code;

~~(11)~~(10) Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section ~~2108.17~~ 2108.35 of the Revised Code;

~~(12)~~(11) Reimbursement of members of the second chance fund advisory committee for actual and necessary expenses incurred in the performance of official duties.

(C) The director shall make the materials developed under 1153
division (B)(5) of this section available to other state agencies. 1154

(D) The director shall consider recommendations made by the 1155
second chance trust fund advisory committee pursuant to section 1156
~~2108.17~~ 2108.35 of the Revised Code. The director shall determine 1157
the appropriateness of and approve or disapprove projects 1158
recommended by the advisory committee for funding and approve or 1159
disapprove the disbursement of money from the second chance trust 1160
fund. 1161

Sec. ~~2108.17~~ 2108.35. (A) There is hereby created within the 1162
department of health the second chance trust fund advisory 1163
committee, consisting of thirteen members. The members shall 1164
include the following: 1165

(1) The chairs of the standing committees of the house of 1166
representatives and senate with primary responsibilities for 1167
health legislation; 1168

(2) One representative of each of the following appointed by 1169
the director of health: 1170

(a) An Ohio organ procurement organization that is a member 1171
of the Organ Procurement and Transplantation Network; 1172

(b) An Ohio tissue bank that is an accredited member of the 1173
American association of tissue banks; 1174

(c) An Ohio eye bank that is certified by the eye bank 1175
association of America; 1176

(d) The Ohio solid organ transplantation consortium; 1177

(e) A hospital to which both of the following apply: 1178

(i) It is a member of the Ohio hospital association. 1179

(ii) It has a transplant program or a facility that has been 1180
verified as a level I or level II trauma center by the American 1181

college of surgeons. 1182

(f) The department of health. 1183

(3) ~~Except as provided in division (C) of this section, three~~ 1184
Three members of the public appointed by the director who are not 1185
affiliated with ~~recovery agencies~~ procurement organizations; 1186

(4) Two members appointed by the director who are either 1187
affiliated with ~~recovery agencies~~ procurement organizations or 1188
members of the public. 1189

(B) Of the members first appointed under division (A)(2) of 1190
this section, the representatives of the organ procurement 1191
organization, tissue procurement organization, and eye bank shall 1192
serve terms of three years; the representatives of the department 1193
of health and Ohio solid organ transplantation consortium shall 1194
serve terms of two years; and the member representing the Ohio 1195
hospital association shall serve a term of one year. Thereafter, 1196
all members shall serve terms of three years. 1197

(C) ~~The members initially appointed under division (A)(3) of~~ 1198
~~this section shall be representatives of the following:~~ 1199

~~(1) An organ procurement organization in Ohio designated by~~ 1200
~~the United States secretary of health and human services that is~~ 1201
~~not represented by the appointment under division (A)(2)(a) of~~ 1202
~~this section;~~ 1203

~~(2) An Ohio tissue bank that is an accredited member of the~~ 1204
~~American association of tissue banks, not affiliated with an organ~~ 1205
~~procurement organization, and not represented by the appointment~~ 1206
~~under division (A)(2)(b) of this section;~~ 1207

~~(3) An Ohio eye bank that is certified by the eye bank~~ 1208
~~association of America, not affiliated with an organ procurement~~ 1209
~~organization, and not represented by the appointment under~~ 1210
~~division (A)(2)(c) of this section.~~ 1211

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

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

No individual appointed under division (A)(2), (3), or (4) of this section shall serve more than two consecutive terms, regardless of whether the terms were full or partial terms. Each member shall serve from the date of appointment until the member's successor is appointed. All vacancies on the committee shall be filled for the balance of the unexpired term in the same manner as the original appointment.

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

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

(G) (F) The committee shall do all of the following:	1243
(1) Make recommendations to the director of health for projects for funding from the second chance trust fund;	1244 1245
(2) Consult with the registrar of motor vehicles in formulating proposed rules under division (C)(1) of section 2108.18 <u>2108.23</u> of the Revised Code;	1246 1247 1248
(3) As requested, consult with the registrar or director on other matters related to organ donation;	1249 1250
(4) Approve brochures, written materials, and electronic media regarding anatomical gifts and anatomical gift procedures for use in driver training schools pursuant to section 4508.021 of the Revised Code.	1251 1252 1253 1254
(H) (G) The committee is not subject to section 101.84 of the Revised Code.	1255 1256
Sec. 2108.30 <u>2108.40</u>. An individual is dead if he <u>the individual</u> has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the brain, including the brain stem, as determined in accordance with accepted medical standards. If the respiratory and circulatory functions of a person are being artificially sustained, under accepted medical standards a determination that death has occurred is made by a physician by observing and conducting a test to determine that the irreversible cessation of all functions of the brain has occurred.	1257 1258 1259 1260 1261 1262 1263 1264 1265 1266
A physician who makes a determination of death in accordance with this section and accepted medical standards is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his <u>the physician's</u> acts or the acts of others based on that determination.	1267 1268 1269 1270 1271
Any person who acts in good faith in reliance on a	1272

determination of death made by a physician in accordance with this 1273
section and accepted medical standards is not liable for damages 1274
in any civil action or subject to prosecution in any criminal 1275
proceeding for ~~his~~ the person's actions. 1276

Sec. 2108.78. If a declarant or deceased adult has made a 1277
~~valid declaration of an anatomical gift by will or any other~~ 1278
~~document or means described in section 2108.04~~ under sections 1279
2108.01 to 2108.29 of the Revised Code, any person to whom the 1280
declarant has assigned the right of disposition under section 1281
2108.70 of the Revised Code, or who has the right as described in 1282
section 2108.81 of the Revised Code, is bound by the ~~declaration~~ 1283
~~of the~~ anatomical gift and must follow the instructions associated 1284
with the gift before making any decisions or taking any other 1285
actions associated with the right. 1286

Sec. 2108.99. Whoever violates division (A) of section 1287
~~2108.12~~ 2108.18 or section 2108.19 of the Revised Code is guilty 1288
of ~~unlawful transfer of body parts,~~ a felony of the ~~fifth~~ third 1289
degree. 1290

Sec. 2133.01. Unless the context otherwise requires, as used 1291
in sections 2133.01 to 2133.15 of the Revised Code: 1292

(A) "Adult" means an individual who is eighteen years of age 1293
or older. 1294

(B) "Attending physician" means the physician to whom a 1295
declarant or other patient, or the family of a declarant or other 1296
patient, has assigned primary responsibility for the treatment or 1297
care of the declarant or other patient, or, if the responsibility 1298
has not been assigned, the physician who has accepted that 1299
responsibility. 1300

(C) "Comfort care" means any of the following: 1301

(1) Nutrition when administered to diminish the pain or 1302
discomfort of a declarant or other patient, but not to postpone 1303
the declarant's or other patient's death; 1304

(2) Hydration when administered to diminish the pain or 1305
discomfort of a declarant or other patient, but not to postpone 1306
the declarant's or other patient's death; 1307

(3) Any other medical or nursing procedure, treatment, 1308
intervention, or other measure that is taken to diminish the pain 1309
or discomfort of a declarant or other patient, but not to postpone 1310
the declarant's or other patient's death. 1311

(D) "Consulting physician" means a physician who, in 1312
conjunction with the attending physician of a declarant or other 1313
patient, makes one or more determinations that are required to be 1314
made by the attending physician, or to be made by the attending 1315
physician and one other physician, by an applicable provision of 1316
this chapter, to a reasonable degree of medical certainty and in 1317
accordance with reasonable medical standards. 1318

(E) "Declarant" means any adult who has executed a 1319
declaration in accordance with section 2133.02 of the Revised 1320
Code. 1321

(F) "Declaration" means a written document executed in 1322
accordance with section 2133.02 of the Revised Code. 1323

(G) "Durable power of attorney for health care" means a 1324
document created pursuant to sections 1337.11 to 1337.17 of the 1325
Revised Code. 1326

(H) "Guardian" means a person appointed by a probate court 1327
pursuant to Chapter 2111. of the Revised Code to have the care and 1328
management of the person of an incompetent. 1329

(I) "Health care facility" means any of the following: 1330

(1) A hospital; 1331

(2) A hospice care program or other institution that 1332
specializes in comfort care of patients in a terminal condition or 1333
in a permanently unconscious state; 1334

(3) A nursing home or residential care facility, as defined 1335
in section 3721.01 of the Revised Code; 1336

(4) A home health agency and any residential facility where a 1337
person is receiving care under the direction of a home health 1338
agency; 1339

(5) An intermediate care facility for the mentally retarded. 1340

(J) "Health care personnel" means physicians, nurses, 1341
physician assistants, emergency medical technicians-basic, 1342
emergency medical technicians-intermediate, emergency medical 1343
technicians-paramedic, medical technicians, dietitians, other 1344
authorized persons acting under the direction of an attending 1345
physician, and administrators of health care facilities. 1346

(K) "Home health agency" has the same meaning as in section 1347
3701.881 of the Revised Code. 1348

(L) "Hospice care program" has the same meaning as in section 1349
3712.01 of the Revised Code. 1350

(M) "Hospital" ~~has the same meanings as in sections 2108.01,~~ 1351
means both of the following: 1352

(1) Any hospital operated in this state that is certified 1353
under Title XVIII of the "Social Security Act," 42 U.S.C. 301, as 1354
amended, or accredited by the joint commission on accreditation of 1355
healthcare organizations or the American osteopathic association; 1356

(2) A facility licensed, accredited, registered, or approved 1357
as a hospital under the laws of any state, including a facility 1358
operated as a hospital by a state or a subdivision of the state, 1359
although not required to be licensed under state laws. 1360

"Hospital" also includes those facilities described or 1361

<u>defined in sections 3701.017</u> and 5122.01 of the Revised Code.	1362
(N) "Hydration" means fluids that are artificially or technologically administered.	1363 1364
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	1365 1366
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	1367 1368
(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.	1369 1370 1371 1372
(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.	1373 1374 1375 1376
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	1377 1378
(T) "Nutrition" means sustenance that is artificially or technologically administered.	1379 1380
(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:	1381 1382 1383 1384 1385 1386 1387
(1) Irreversible unawareness of one's being and environment.	1388
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	1389 1390 1391

(V) "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.

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

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

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

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

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

(1) There can be no recovery.

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

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

Sec. 2133.07. (A) <u>As used in this section:</u>	1422
(1) <u>"Anatomical gift" has the same meaning as in section</u>	1423
<u>2108.01 of the Revised Code.</u>	1424
(2) <u>"DNR identification" has the same meaning as in section</u>	1425
<u>2133.21 of the Revised Code.</u>	1426
(B) A printed form of a declaration may be sold or otherwise	1427
distributed in this state for use by adults who are not advised by	1428
an attorney. By use of a printed form of that nature, a declarant	1429
may authorize the use or continuation, or the withholding or	1430
withdrawal, of life-sustaining treatment should the declarant be	1431
in a terminal condition, a permanently unconscious state, or	1432
either a terminal condition or a permanently unconscious state,	1433
may authorize the withholding or withdrawal of nutrition or	1434
hydration should the declarant be in a permanently unconscious	1435
state as described in division (A)(3)(a) of section 2133.02 of the	1436
Revised Code, and may designate one or more persons who are to be	1437
notified by the declarant's attending physician at any time that	1438
life-sustaining treatment would be withheld or withdrawn pursuant	1439
to the declaration. The printed form shall not be used as an	1440
instrument for granting any other type of authority or for making	1441
any other type of designation, except that the printed form may be	1442
used as a DNR identification if the declarant specifies on the	1443
form that the declarant wishes to use it as a DNR identification	1444
and except as provided in division (B) (C) of this section.	1445
(B) (C) A printed form of a declaration under division (A) (B)	1446
of this section shall include, before the signature of the	1447
declarant or another individual at the direction of the declarant,	1448
statements that conform substantially to the following form:	1449
	1450
"ANATOMICAL GIFT (optional)	1451
Upon my death, the following are my directions regarding	1452

donation of all or part of my body: 1453

In the hope that I may help others upon my death, I hereby 1454

give the following body parts: 1455

..... 1456

..... 1457

for any purpose authorized by law: transplantation, therapy, 1458

research, or education. 1459

If I do not indicate a desire to donate all or part of my 1460

body by filling in the lines above, no presumption is created 1461

about my desire to make or refuse to make an anatomical gift." 1462

~~(C)~~(D)(1) A printed form of a declaration under division 1463

~~(A)~~(B) of this section shall include, as a separate page or as a 1464

portion of a page that can be detached from the declaration, a 1465

donor registry enrollment form that permits the donor to be 1466

included in the donor registry created under section ~~2108.18~~ 1467

2108.23 of the Revised Code. 1468

(2) The donor registry enrollment form ~~shall conform~~ 1469

~~substantially to the following form:~~ 1470

~~"DONOR REGISTRY ENROLLMENT FORM (optional)~~ 1471

~~To register for the Donor Registry, please complete this form~~ 1472

~~and send it to the Ohio Bureau of Motor Vehicles. This form must~~ 1473

~~be signed by two witnesses. If the donor is under age eighteen,~~ 1474

~~one witness must be the donor's parent or legal guardian.~~ 1475

~~... Please include me in the donor registry.~~ 1476

~~... Please remove me from the donor registry.~~ 1477

Full Name (please print) 1478

Mailing address 1479

..... 1480

..... 1481

Phone Date of Birth 1482

Driver License or ID Card No.	1483
Social Security No.	1484
... On my death, I make an anatomical gift of my organs, tissues,	1485
and eyes for any purpose authorized by law.	1486
OR	1487
... On my death, I make an anatomical gift of the following	1488
specified organs, tissues, or eyes for any purposes indicated	1489
below.	1490
.....	1491
.....	1492
.....	1493
Purposes:	1494
... Any purpose authorized by law	1495
... Transplantation	1496
... Therapy	1497
... Research	1498
... Education	1499
... Advancement of medical science	1500
... Advancement of dental science	1501
.....	1502
Signature of donor registrant Date	1503
.....	1504
Witness signature	1505
.....	1506
Witness signature"	1507
(D) As used in this section:	1508
(1) "Anatomical gift" has the same meaning as in section	1509
2108.01 of the Revised Code.	1510
(2) "DNR identification" has the same meaning as in section	1511
2133.21 of the Revised Code <u>may be in any form that complies with</u>	1512
<u>the requirements of division (B) of section 2108.05 of the Revised</u>	1513

Code. On completion, the form shall be forwarded to the bureau of 1514
motor vehicles. 1515

Sec. 2133.16. (A) As used in this section: 1516

(1) "Anatomical gift" and "donor" have the same meanings as 1517
in section 2108.01 of the Revised Code. 1518

(2) "Declarant" and "declaration" have the same meanings as 1519
in section 2133.01 of the Revised Code. 1520

(B) A declarant may make an anatomical gift of all or part of 1521
the declarant's body by specifying the intent of the declarant to 1522
make the anatomical gift in a space provided in the declaration. 1523
All of the following apply to a declaration that specifies the 1524
intent of the declarant to make an anatomical gift: 1525

(1) The declaration serves as a ~~document other than a will~~ 1526
donor card or other record in which a declarant makes an 1527
anatomical gift as provided in ~~divisions~~ division (B)~~(1) and (3)~~ 1528
of section ~~2108.04~~ 2108.05 of the Revised Code. 1529

(2) The declaration is considered as having satisfied the 1530
requirements specified in ~~divisions~~ division (B)~~(1) and (3)~~ of 1531
section ~~2108.04~~ 2108.05 of the Revised Code to make an anatomical 1532
gift by a ~~document other than a will~~ donor card or other record. 1533

(3) The declaration is subject to sections 2108.01 to ~~2108.12~~ 1534
2108.29 of the Revised Code to the extent that the declaration 1535
specifies the intent of the declarant to make an anatomical gift. 1536

(C) A declarant who makes an anatomical gift in the manner 1537
described in division (B) of this section may amend the anatomical 1538
gift under the circumstances and by any of the means provided in 1539
~~division (A)~~ of section 2108.06 of the Revised Code. 1540

(D) A declarant who makes an anatomical gift in the manner 1541
described in division (B) of this section may revoke the 1542
anatomical gift under the circumstances and by any of the means 1543

provided in ~~division (A)~~ of section 2108.06 of the Revised Code or 1544
by cancellation of the declarant's intent to make the anatomical 1545
gift as specified in the declaration. 1546

(E) A declarant may refuse to make an anatomical gift of all 1547
or part of the declarant's body by specifying the intent of the 1548
declarant to refuse to make the anatomical gift in a space 1549
provided in the declaration. 1550

(F) Nothing in this section requires a declarant to make, 1551
amend, or refuse to make an anatomical gift in a space provided in 1552
a declaration or otherwise limits a declarant from making, 1553
amending, or refusing to make an anatomical gift. The failure of a 1554
declarant to indicate in the space provided in the declaration the 1555
intent of the declarant to make an anatomical gift or to refuse to 1556
make an anatomical gift does not create a presumption of the 1557
intent of the declarant in regard to the matter of making or 1558
refusing to make an anatomical gift. 1559

Sec. 2305.37. (A) As used in this section: 1560

(1) "Agency" means any nonhospital, charitable nonprofit 1561
corporation that is organized and operated pursuant to Chapter 1562
1702. of the Revised Code and that satisfies both of the 1563
following, or any nonhospital, charitable association, group, 1564
institution, organization, or society that is not organized and 1565
not operated for profit and that satisfies both of the following: 1566

(a) It distributes consumer goods or perishable food, 1567
directly or indirectly, to individuals in need. 1568

(b) It does not charge or accept any form of compensation 1569
from the individuals in need for the distribution of the consumer 1570
goods or perishable food to them. 1571

(2) "Consumer goods" means items of tangible personal 1572
property other than food that are used primarily for personal, 1573

family, or household purposes. 1574

(3) "Food service operation" has the same meaning as in 1575
section 3717.01 of the Revised Code. 1576

(4) "Food that is gleaned" means perishable food that remains 1577
on a farm or other real property and that the owner, lessee, 1578
renter, or operator of the property permits one or more persons to 1579
salvage free-of-charge for subsequent donation to one or more 1580
agencies. 1581

(5) "Harm" means injury, death, or loss to person or 1582
property. 1583

(6) "Hospital" ~~has the same meaning as in section 2108.01,~~ 1584
means both of the following: 1585

(a) Any hospital operated in this state that is certified 1586
under Title XVIII of the "Social Security Act," 42 U.S.C. 301, as 1587
amended, or accredited by the joint commission on accreditation of 1588
healthcare organizations or the American osteopathic association; 1589

(b) A facility licensed, accredited, registered, or approved 1590
as a hospital under the laws of any state, including a facility 1591
operated as a hospital by a state or a subdivision of the state, 1592
although not required to be licensed under state laws. 1593

"Hospital" also includes those facilities described or 1594
defined in section 3701.01, or 5122.01 of the Revised Code. 1595

(7) "Individuals in need" means those persons who an agency 1596
determines are eligible to receive free distributions of consumer 1597
goods or perishable food because of poverty, illness, disability, 1598
infancy, or other conditions or circumstances that may result in 1599
persons having a need to receive free distributions of consumer 1600
goods or perishable food. 1601

(8) "Perishable food" means any food that may spoil or 1602
otherwise become unfit for human consumption because of its 1603

nature, age, or physical condition. "Perishable food" includes, 1604
but is not limited to, fresh meats, processed meats, poultry, fish 1605
and other seafood, dairy products, bakery products, eggs in the 1606
shell, fresh fruits, fresh vegetables, food that is gleaned, food 1607
that is packaged, refrigerated, or frozen, food that is canned, 1608
and prepared or other food that has not been served by a 1609
restaurant, cafeteria, hospital, hotel, caterer, or other food 1610
service operation to any customer, patient, or other person in the 1611
ordinary course of business, by a public or private school, 1612
college, university, or other educational institution to a student 1613
or another person on the premises in the ordinary course of the 1614
operation of the institution, or by a fraternal, veteran's, or 1615
other organization to its members or other persons on the premises 1616
in the ordinary course of the operation of the organization. 1617

(9) "Person" has the same meaning as in section 1.59 of the 1618
Revised Code and additionally includes governmental entities and 1619
federal instrumentalities. 1620

(10) "Sale date" means the date by which the manufacturer, 1621
processor, or packager of a packaged food product recommends that 1622
the food product be sold for consumption based on the food 1623
product's quality assurance period. 1624

(11) "Tort action" means a civil action for damages for 1625
injury, death, or loss to person or property. "Tort action" 1626
includes a product liability claim that is subject to sections 1627
2307.71 to 2307.80 of the Revised Code but does not include a 1628
civil action for a breach of contract or another agreement between 1629
persons. 1630

(B) Notwithstanding Chapter 3715. of the Revised Code, a 1631
person who, in good faith, donates perishable food to an agency is 1632
not liable in damages in a tort action for harm that allegedly 1633
arises because that perishable food, when distributed by the 1634
agency or any other agency to a particular individual in need, is 1635

not fit for human consumption, if both of the following apply: 1636

(1) Prior to the donation of the perishable food to the 1637
agency, the person determines that the perishable food will be fit 1638
for human consumption at the time of its donation. A presumption 1639
favoring liability does not arise because the perishable food is 1640
donated to an agency on or after an applicable sale date. 1641

(2) The person does not make the determination that the 1642
perishable food will be fit for human consumption at the time of 1643
its donation to the agency in a manner that constitutes gross 1644
negligence or willful or wanton misconduct. 1645

(C) A person who, in good faith, donates consumer goods to an 1646
agency is not liable in damages in a tort action for harm that 1647
allegedly arises because those consumer goods are not fit for use 1648
at the time the agency or any other agency distributes them to a 1649
particular individual in need, if both of the following apply: 1650

(1) Prior to the donation of the consumer goods to the 1651
agency, the person determines that the consumer goods will be fit 1652
for use at the time of their donation. A presumption favoring 1653
liability does not arise because the consumer goods are in 1654
packaging that has been damaged. 1655

(2) The person does not make the determination that the 1656
consumer goods will be fit for use at the time of their donation 1657
to the agency in a manner that constitutes gross negligence or 1658
willful or wanton misconduct. 1659

(D) Notwithstanding Chapter 3715. of the Revised Code, an 1660
agency that, in good faith, distributes consumer goods or 1661
perishable food to a particular individual in need is not liable 1662
in damages in a tort action for harm that allegedly arises because 1663
those consumer goods are not fit for use or that perishable food 1664
is not fit for human consumption if both of the following apply: 1665

(1) Prior to the distribution of the consumer goods or 1666

perishable food to the individual, the agency determines 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. A presumption favoring liability does not arise because the consumer goods are in packaging that has been damaged or because the perishable food is distributed to an individual on or after an applicable sale date.

(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, 1697
ambulatory surgical treatment center, other center, medical 1698
school, office of a physician, infirmary, dispensary, medical 1699
training institution, or other institution or location in or at 1700
which medical care, treatment, or diagnosis is provided to a 1701
person. 1702

(D) "Hospital" ~~has the same meanings as in sections 2108.01,~~ 1703
means both of the following: 1704

(1) Any hospital operated in this state that is certified 1705
under Title XVIII of the "Social Security Act," 42 U.S.C. 301, as 1706
amended, or accredited by the joint commission on accreditation of 1707
healthcare organizations or the American osteopathic association; 1708

(2) A facility licensed, accredited, registered, or approved 1709
as a hospital under the laws of any state, including a facility 1710
operated as a hospital by a state or a subdivision of the state, 1711
although not required to be licensed under state laws. 1712

"Hospital" also includes those facilities described or 1713
defined in sections 3701.01, and 5122.01 of the Revised Code. 1714

(E) "Live birth" has the same meaning as in division (A) of 1715
section 3705.01 of the Revised Code. 1716

(F) "Medical emergency" means a condition that a pregnant 1717
woman's physician determines, in good faith and in the exercise of 1718
reasonable medical judgment, so complicates the woman's pregnancy 1719
as to necessitate the immediate performance or inducement of an 1720
abortion in order to prevent the death of the pregnant woman or to 1721
avoid a serious risk of the substantial and irreversible 1722
impairment of a major bodily function of the pregnant woman that 1723
delay in the performance or inducement of the abortion would 1724
create. 1725

(G) "Physician" has the same meaning as in section 2305.113 1726
of the Revised Code. 1727

(H) "Pregnant" means the human female reproductive condition, 1728
that commences with fertilization, of having a developing fetus. 1729

(I) "Premature infant" means a human whose live birth occurs 1730
prior to thirty-eight weeks of gestational age. 1731

(J) "Serious risk of the substantial and irreversible 1732
impairment of a major bodily function" means any medically 1733
diagnosed condition that so complicates the pregnancy of the woman 1734
as to directly or indirectly cause the substantial and 1735
irreversible impairment of a major bodily function, including, but 1736
not limited to, the following conditions: 1737

(1) Pre-eclampsia; 1738

(2) Inevitable abortion; 1739

(3) Prematurely ruptured membrane; 1740

(4) Diabetes; 1741

(5) Multiple sclerosis. 1742

(K) "Unborn human" means an individual organism of the 1743
species homo sapiens from fertilization until live birth. 1744

(L) "Viable" means the stage of development of a human fetus 1745
at which in the determination of a physician, based on the 1746
particular facts of a woman's pregnancy that are known to the 1747
physician and in light of medical technology and information 1748
reasonably available to the physician, there is a realistic 1749
possibility of the maintaining and nourishing of a life outside of 1750
the womb with or without temporary artificial life-sustaining 1751
support. 1752

Sec. 3301.07. The state board of education shall exercise 1753
under the acts of the general assembly general supervision of the 1754
system of public education in the state. In addition to the powers 1755
otherwise imposed on the state board under the provisions of law, 1756

the board shall have the following powers: 1757

(A) Exercise policy forming, planning, and evaluative 1758
functions for the public schools of the state, and for adult 1759
education, except as otherwise provided by law; 1760

(B) Exercise leadership in the improvement of public 1761
education in this state, and administer the educational policies 1762
of this state relating to public schools, and relating to 1763
instruction and instructional material, building and equipment, 1764
transportation of pupils, administrative responsibilities of 1765
school officials and personnel, and finance and organization of 1766
school districts, educational service centers, and territory. 1767
Consultative and advisory services in such matters shall be 1768
provided by the board to school districts and educational service 1769
centers of this state. The board also shall develop a standard of 1770
financial reporting which shall be used by all school districts 1771
and educational service centers to make their financial 1772
information available to the public in a format understandable by 1773
the average citizen and provide year-to-year comparisons for at 1774
least five years. The format shall show, among other things, 1775
district and educational service center revenue by source; 1776
expenditures for salaries, wages, and benefits of employees, 1777
showing such amounts separately for classroom teachers, other 1778
employees required to hold licenses issued pursuant to sections 1779
3319.22 to 3319.31 of the Revised Code, and all other employees; 1780
expenditures other than for personnel, by category, including 1781
utilities, textbooks and other educational materials, equipment, 1782
permanent improvements, pupil transportation, extracurricular 1783
athletics, and other extracurricular activities; and per pupil 1784
expenditures. 1785

(C) Administer and supervise the allocation and distribution 1786
of all state and federal funds for public school education under 1787
the provisions of law, and may prescribe such systems of 1788

accounting as are necessary and proper to this function. It may 1789
require county auditors and treasurers, boards of education, 1790
educational service center governing boards, treasurers of such 1791
boards, teachers, and other school officers and employees, or 1792
other public officers or employees, to file with it such reports 1793
as it may prescribe relating to such funds, or to the management 1794
and condition of such funds. 1795

(D) Formulate and prescribe minimum standards to be applied 1796
to all elementary and secondary schools in this state for the 1797
purpose of requiring a general education of high quality. Such 1798
standards shall provide adequately for: the licensing of teachers, 1799
administrators, and other professional personnel and their 1800
assignment according to training and qualifications; efficient and 1801
effective instructional materials and equipment, including library 1802
facilities; the proper organization, administration, and 1803
supervision of each school, including regulations for preparing 1804
all necessary records and reports and the preparation of a 1805
statement of policies and objectives for each school; buildings, 1806
grounds, health and sanitary facilities and services; admission of 1807
pupils, and such requirements for their promotion from grade to 1808
grade as will assure that they are capable and prepared for the 1809
level of study to which they are certified; requirements for 1810
graduation; and such other factors as the board finds necessary. 1811

In the formulation and administration of such standards for 1812
nonpublic schools the board shall also consider the particular 1813
needs, methods and objectives of those schools, provided they do 1814
not conflict with the provision of a general education of a high 1815
quality and provided that regular procedures shall be followed for 1816
promotion from grade to grade of pupils who have met the 1817
educational requirements prescribed. 1818

(E) May require as part of the health curriculum information 1819
developed under section ~~2108.15~~ 2108.34 of the Revised Code 1820

promoting the donation of anatomical gifts pursuant to Chapter 1821
2108. of the Revised Code and may provide the information to high 1822
schools, educational service centers, and joint vocational school 1823
district boards of education; 1824

(F) Prepare and submit annually to the governor and the 1825
general assembly a report on the status, needs, and major problems 1826
of the public schools of the state, with recommendations for 1827
necessary legislative action and a ten-year projection of the 1828
state's public and nonpublic school enrollment, by year and by 1829
grade level; 1830

(G) Prepare and submit to the director of budget and 1831
management the biennial budgetary requests of the state board of 1832
education, for its agencies and for the public schools of the 1833
state; 1834

(H) Cooperate with federal, state, and local agencies 1835
concerned with the health and welfare of children and youth of the 1836
state; 1837

(I) Require such reports from school districts and 1838
educational service centers, school officers, and employees as are 1839
necessary and desirable. The superintendents and treasurers of 1840
school districts and educational service centers shall certify as 1841
to the accuracy of all reports required by law or state board or 1842
state department of education rules to be submitted by the 1843
district or educational service center and which contain 1844
information necessary for calculation of state funding. Any 1845
superintendent who knowingly falsifies such report shall be 1846
subject to license revocation pursuant to section 3319.31 of the 1847
Revised Code. 1848

(J) In accordance with Chapter 119. of the Revised Code, 1849
adopt procedures, standards, and guidelines for the education of 1850
children with disabilities pursuant to Chapter 3323. of the 1851

Revised Code, including procedures, standards, and guidelines 1852
governing programs and services operated by county boards of 1853
mental retardation and developmental disabilities pursuant to 1854
section 3323.09 of the Revised Code; 1855

(K) For the purpose of encouraging the development of special 1856
programs of education for academically gifted children, employ 1857
competent persons to analyze and publish data, promote research, 1858
advise and counsel with boards of education, and encourage the 1859
training of teachers in the special instruction of gifted 1860
children. The board may provide financial assistance out of any 1861
funds appropriated for this purpose to boards of education and 1862
educational service center governing boards for developing and 1863
conducting programs of education for academically gifted children. 1864

(L) Require that all public schools emphasize and encourage, 1865
within existing units of study, the teaching of energy and 1866
resource conservation as recommended to each district board of 1867
education by leading business persons involved in energy 1868
production and conservation, beginning in the primary grades; 1869

(M) Formulate and prescribe minimum standards requiring the 1870
use of phonics as a technique in the teaching of reading in grades 1871
kindergarten through three. In addition, the state board shall 1872
provide in-service training programs for teachers on the use of 1873
phonics as a technique in the teaching of reading in grades 1874
kindergarten through three. 1875

(N) Develop and modify as necessary a state plan for 1876
technology to encourage and promote the use of technological 1877
advancements in educational settings. 1878

The board may adopt rules necessary for carrying out any 1879
function imposed on it by law, and may provide rules as are 1880
necessary for its government and the government of its employees, 1881
and may delegate to the superintendent of public instruction the 1882

management and administration of any function imposed on it by 1883
law. It may provide for the appointment of board members to serve 1884
on temporary committees established by the board for such purposes 1885
as are necessary. Permanent or standing committees shall not be 1886
created. 1887

Sec. 4501.024. The bureau of motor vehicles shall do both of 1888
the following: 1889

(A) Develop and maintain a donor registry as required by 1890
section ~~2108.18~~ 2108.23 of the Revised Code; 1891

(B) Maintain a toll-free telephone number as specified in 1892
section ~~2108.19~~ 2108.32 of the Revised Code. 1893

Sec. 4503.721. (A) The owner or lessee of any passenger car, 1894
noncommercial motor vehicle, recreational vehicle, or other 1895
vehicle of a class approved by the registrar of motor vehicles may 1896
apply to the registrar for the registration of the vehicle and 1897
issuance of "donate life" license plates. An application made 1898
under this section may be combined with a request for a special 1899
reserved license plate under section 4503.40 or 4503.42 of the 1900
Revised Code. Upon receipt of the completed application and 1901
compliance by the applicant with divisions (B) and (C) of this 1902
section, the registrar shall issue to the applicant the 1903
appropriate vehicle registration and a set of "donate life" 1904
license plates and a validation sticker, or a validation sticker 1905
alone when required by section 4503.191 of the Revised Code. 1906

In addition to the letters and numbers ordinarily inscribed 1907
on the license plates, "donate life" license plates shall be 1908
inscribed with identifying words or markings designated by 1909
lifeline of Ohio, incorporated, and approved by the registrar. 1910
"Donate life" license plates shall display county identification 1911
stickers that identify the county of registration by name or 1912

number. 1913

(B) The "donate life" license plates and a validation 1914
sticker, or validation sticker alone, shall be issued upon receipt 1915
of a contribution as provided in division (C) of this section and 1916
upon payment of the regular license tax as prescribed under 1917
section 4503.04 of the Revised Code, any applicable motor vehicle 1918
license tax levied under Chapter 4504. of the Revised Code, any 1919
applicable additional fee prescribed by section 4503.40 or 4503.42 1920
of the Revised Code, an additional fee of ten dollars, and 1921
compliance with all other applicable laws relating to the 1922
registration of motor vehicles. 1923

(C) For each application for registration and registration 1924
renewal notice the registrar receives under this section, the 1925
registrar shall collect a contribution of five dollars. The 1926
registrar shall transmit this contribution to the treasurer of 1927
state for deposit into the state treasury to the credit of the 1928
second chance trust fund created in section ~~2108.15~~ 2108.34 of the 1929
Revised Code. 1930

The additional fee of ten dollars is to compensate the bureau 1931
of motor vehicles for additional services required in the issuing 1932
of "donate life" license plates. The registrar shall transmit the 1933
additional fee to the treasurer of state for deposit into the 1934
state treasury to the credit of the state bureau of motor vehicles 1935
fund created by section 4501.25 of the Revised Code. 1936

Sec. 4506.07. (A) Every application for a commercial driver's 1937
license, restricted commercial driver's license, or a commercial 1938
driver's temporary instruction permit, or a duplicate of such a 1939
license, shall be made upon a form approved and furnished by the 1940
registrar of motor vehicles. Except as provided in section 4506.24 1941
of the Revised Code in regard to a restricted commercial driver's 1942
license, the application shall be signed by the applicant and 1943

shall contain the following information: 1944

(1) The applicant's name, date of birth, social security 1945
account number, sex, general description including height, weight, 1946
and color of hair and eyes, current residence, duration of 1947
residence in this state, country of citizenship, and occupation; 1948

(2) Whether the applicant previously has been licensed to 1949
operate a commercial motor vehicle or any other type of motor 1950
vehicle in another state or a foreign jurisdiction and, if so, 1951
when, by what state, and whether the license or driving privileges 1952
currently are suspended or revoked in any jurisdiction, or the 1953
applicant otherwise has been disqualified from operating a 1954
commercial motor vehicle, or is subject to an out-of-service order 1955
issued under this chapter or any similar law of another state or a 1956
foreign jurisdiction and, if so, the date of, locations involved, 1957
and reason for the suspension, revocation, disqualification, or 1958
out-of-service order; 1959

(3) Whether the applicant is afflicted with or suffering from 1960
any physical or mental disability or disease that prevents the 1961
applicant from exercising reasonable and ordinary control over a 1962
motor vehicle while operating it upon a highway or is or has been 1963
subject to any condition resulting in episodic impairment of 1964
consciousness or loss of muscular control and, if so, the nature 1965
and extent of the disability, disease, or condition, and the names 1966
and addresses of the physicians attending the applicant; 1967

(4) Whether the applicant has obtained a medical examiner's 1968
certificate as required by this chapter; 1969

(5) Whether the applicant has pending a citation for 1970
violation of any motor vehicle law or ordinance except a parking 1971
violation and, if so, a description of the citation, the court 1972
having jurisdiction of the offense, and the date when the offense 1973
occurred; 1974

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

(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 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 license issued to indicate that the applicant has executed the instrument.

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

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

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

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

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

(D) The registrar or a deputy registrar, in accordance with 2006
section 3503.11 of the Revised Code, shall register as an elector 2007
any applicant for a commercial driver's license or for a renewal 2008
or duplicate of such a license under this chapter, if the 2009
applicant is eligible and wishes to be registered as an elector. 2010
The decision of an applicant whether to register as an elector 2011
shall be given no consideration in the decision of whether to 2012
issue the applicant a license or a renewal or duplicate. 2013

(E) The registrar or a deputy registrar, in accordance with 2014
section 3503.11 of the Revised Code, shall offer the opportunity 2015
of completing a notice of change of residence or change of name to 2016
any applicant for a commercial driver's license or for a renewal 2017
or duplicate of such a license who is a resident of this state, if 2018
the applicant is a registered elector who has changed the 2019
applicant's residence or name and has not filed such a notice. 2020

(F) In considering any application submitted pursuant to this 2021
section, the bureau of motor vehicles may conduct any inquiries 2022
necessary to ensure that issuance or renewal of a commercial 2023
driver's license would not violate any provision of the Revised 2024
Code or federal law. 2025

Sec. 4506.081. In addition to the fees collected under 2026
section 4506.08 of the Revised Code, the registrar or deputy 2027
registrar of motor vehicles shall ask each person applying for or 2028
renewing a commercial driver's license, restricted commercial 2029
driver's license, or duplicate whether the person wishes to make a 2030
one-dollar voluntary contribution to the second chance trust fund 2031
established under section ~~2108.15~~ 2108.34 of the Revised Code. The 2032
registrar or deputy registrar shall also make available to the 2033
person informational material provided by the department of health 2034
on the importance of organ, tissue, and eye donation. 2035

All donations collected under this section during each month 2036

shall be forwarded by the registrar or deputy registrar not later 2037
than the fifth day of the immediately following month to the 2038
treasurer of state, who shall deposit them in the second chance 2039
trust fund. 2040

Sec. 4506.11. (A) Every commercial driver's license shall be 2041
marked "commercial driver's license" or "CDL" and shall be of such 2042
material and so designed as to prevent its reproduction or 2043
alteration without ready detection, and, to this end, shall be 2044
laminated with a transparent plastic material. The commercial 2045
driver's license for licensees under twenty-one years of age shall 2046
have characteristics prescribed by the registrar of motor vehicles 2047
distinguishing it from that issued to a licensee who is twenty-one 2048
years of age or older. Every commercial driver's license shall 2049
display all of the following information: 2050

(1) The name and residence address of the licensee; 2051

(2) A color photograph of the licensee showing the licensee's 2052
uncovered face; 2053

(3) A physical description of the licensee, including sex, 2054
height, weight, and color of eyes and hair; 2055

(4) The licensee's date of birth; 2056

(5) The licensee's social security number if the person has 2057
requested that the number be displayed in accordance with section 2058
4501.31 of the Revised Code or if federal law requires the social 2059
security number to be displayed and any number or other identifier 2060
the director of public safety considers appropriate and 2061
establishes by rules adopted under Chapter 119. of the Revised 2062
Code and in compliance with federal law; 2063

(6) The licensee's signature; 2064

(7) The classes of commercial motor vehicles the licensee is 2065
authorized to drive and any endorsements or restrictions relating 2066

to the licensee's driving of those vehicles; 2067

(8) The name of this state; 2068

(9) The dates of issuance and of expiration of the license; 2069

(10) If the licensee has certified willingness to make an 2070
anatomical ~~donation~~ gift under section ~~2108.04~~ 2108.05 of the 2071
Revised Code, any symbol chosen by the registrar of motor vehicles 2072
to indicate that the licensee has certified that willingness; 2073

(11) If the licensee has executed a durable power of attorney 2074
for health care or a declaration governing the use or 2075
continuation, or the withholding or withdrawal, of life-sustaining 2076
treatment and has specified that the licensee wishes the license 2077
to indicate that the licensee has executed either type of 2078
instrument, any symbol chosen by the registrar to indicate that 2079
the licensee has executed either type of instrument; 2080

(12) Any other information the registrar considers advisable 2081
and requires by rule. 2082

(B) The registrar may establish and maintain a file of 2083
negatives of photographs taken for the purposes of this section. 2084

(C) Neither the registrar nor any deputy registrar shall 2085
issue a commercial driver's license to anyone under twenty-one 2086
years of age that does not have the characteristics prescribed by 2087
the registrar distinguishing it from the commercial driver's 2088
license issued to persons who are twenty-one years of age or 2089
older. 2090

(D) Whoever violates division (C) of this section is guilty 2091
of a minor misdemeanor. 2092

Sec. 4507.06. (A)(1) Every application for a driver's license 2093
or motorcycle operator's license or endorsement, or duplicate of 2094
any such license or endorsement, shall be made upon the approved 2095
form furnished by the registrar of motor vehicles and shall be 2096

signed by the applicant. 2097

Every application shall state the following: 2098

(a) The applicant's name, date of birth, social security 2099
number if such has been assigned, sex, general description, 2100
including height, weight, color of hair, and eyes, residence 2101
address, including county of residence, duration of residence in 2102
this state, and country of citizenship; 2103

(b) Whether the applicant previously has been licensed as an 2104
operator, chauffeur, driver, commercial driver, or motorcycle 2105
operator and, if so, when, by what state, and whether such license 2106
is suspended or canceled at the present time and, if so, the date 2107
of and reason for the suspension or cancellation; 2108

(c) Whether the applicant is now or ever has been afflicted 2109
with epilepsy, or whether the applicant now is suffering from any 2110
physical or mental disability or disease and, if so, the nature 2111
and extent of the disability or disease, giving the names and 2112
addresses of physicians then or previously in attendance upon the 2113
applicant; 2114

(d) Whether an applicant for a duplicate driver's license, or 2115
duplicate license containing a motorcycle operator endorsement has 2116
pending a citation for violation of any motor vehicle law or 2117
ordinance, a description of any such citation pending, and the 2118
date of the citation; 2119

(e) Whether the applicant wishes to certify willingness to 2120
make an anatomical gift under section ~~2108.04~~ 2108.05 of the 2121
Revised Code, which shall be given no consideration in the 2122
issuance of a license or endorsement; 2123

(f) Whether the applicant has executed a valid durable power 2124
of attorney for health care pursuant to sections 1337.11 to 2125
1337.17 of the Revised Code or has executed a declaration 2126

governing the use or continuation, or the withholding or 2127
withdrawal, of life-sustaining treatment pursuant to sections 2128
2133.01 to 2133.15 of the Revised Code and, if the applicant has 2129
executed either type of instrument, whether the applicant wishes 2130
the applicant's license to indicate that the applicant has 2131
executed the instrument. 2132

(2) Every applicant for a driver's license shall be 2133
photographed in color at the time the application for the license 2134
is made. The application shall state any additional information 2135
that the registrar requires. 2136

(B) The registrar or a deputy registrar, in accordance with 2137
section 3503.11 of the Revised Code, shall register as an elector 2138
any person who applies for a driver's license or motorcycle 2139
operator's license or endorsement under division (A) of this 2140
section, or for a renewal or duplicate of the license or 2141
endorsement, if the applicant is eligible and wishes to be 2142
registered as an elector. The decision of an applicant whether to 2143
register as an elector shall be given no consideration in the 2144
decision of whether to issue the applicant a license or 2145
endorsement, or a renewal or duplicate. 2146

(C) The registrar or a deputy registrar, in accordance with 2147
section 3503.11 of the Revised Code, shall offer the opportunity 2148
of completing a notice of change of residence or change of name to 2149
any applicant for a driver's license or endorsement under division 2150
(A) of this section, or for a renewal or duplicate of the license 2151
or endorsement, if the applicant is a registered elector who has 2152
changed the applicant's residence or name and has not filed such a 2153
notice. 2154

Sec. 4507.231. In addition to the fees collected under 2155
section 4507.23 of the Revised Code, the registrar or deputy 2156
registrar of motor vehicles shall ask each person applying for or 2157

renewing a driver's license, motorcycle operator's endorsement, or 2158
duplicate whether the person wishes to make a one-dollar voluntary 2159
contribution to the second chance trust fund established under 2160
section ~~2108.15~~ 2108.34 of the Revised Code. The registrar or 2161
deputy registrar shall also make available to the person 2162
informational material provided by the department of health on the 2163
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. 4507.501. In addition to the fees collected under 2170
section 4507.50 of the Revised Code, the registrar or deputy 2171
registrar of motor vehicles shall ask each applicant for an 2172
identification card or duplicate under section 4507.51 of the 2173
Revised Code whether the person wishes to make a one-dollar 2174
voluntary contribution to the second chance trust fund established 2175
under section ~~2108.15~~ 2108.34 of the Revised Code. The registrar 2176
or deputy registrar shall also make available to the person 2177
informational material provided by the department of health on the 2178
importance of organ, tissue, and eye donation. 2179

All donations collected under this section during each month 2180
shall be forwarded by the registrar or deputy registrar not later 2181
than the fifth day of the immediately following month to the 2182
treasurer of state, who shall deposit them in the second chance 2183
trust fund. 2184

Sec. 4507.51. (A)(1) Every application for an identification 2185
card or duplicate shall be made on a form furnished by the 2186
registrar of motor vehicles, shall be signed by the applicant, and 2187

by the applicant's parent or guardian if the applicant is under 2188
eighteen years of age, and shall contain the following information 2189
pertaining to the applicant: name, date of birth, sex, general 2190
description including the applicant's height, weight, hair color, 2191
and eye color, address, and social security number. The 2192
application also shall state whether an applicant wishes to 2193
certify willingness to make an anatomical gift under section 2194
~~2108.04~~ 2108.05 of the Revised Code and shall include information 2195
about the requirements of ~~that section~~ sections 2108.01 to 2108.29 2196
of the Revised Code that apply to persons who are less than 2197
eighteen years of age. The statement regarding willingness to make 2198
such a donation shall be given no consideration in the decision of 2199
whether to issue an identification card. Each applicant shall be 2200
photographed in color at the time of making application. 2201

(2) The application also shall state whether the applicant 2202
has executed a valid durable power of attorney for health care 2203
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 2204
executed a declaration governing the use or continuation, or the 2205
withholding or withdrawal, of life-sustaining treatment pursuant 2206
to sections 2133.01 to 2133.15 of the Revised Code and, if the 2207
applicant has executed either type of instrument, whether the 2208
applicant wishes the identification card issued to indicate that 2209
the applicant has executed the instrument. 2210

(3) The registrar or deputy registrar, in accordance with 2211
section 3503.11 of the Revised Code, shall register as an elector 2212
any person who applies for an identification card or duplicate if 2213
the applicant is eligible and wishes to be registered as an 2214
elector. The decision of an applicant whether to register as an 2215
elector shall be given no consideration in the decision of whether 2216
to issue the applicant an identification card or duplicate. 2217

(B) The application for an identification card or duplicate 2218
shall be filed in the office of the registrar or deputy registrar. 2219

Each applicant shall present documentary evidence as required by 2220
the registrar of the applicant's age and identity, and the 2221
applicant shall swear that all information given is true. 2222

All applications for an identification card or duplicate 2223
shall be filed in duplicate, and if submitted to a deputy 2224
registrar, a copy shall be forwarded to the registrar. The 2225
registrar shall prescribe rules for the manner in which a deputy 2226
registrar is to file and maintain applications and other records. 2227
The registrar shall maintain a suitable, indexed record of all 2228
applications denied and cards issued or canceled. 2229

Sec. 4508.021. (A) As used in this section: 2230

(1) "State agency" has the same meaning as in section 1.60 of 2231
the Revised Code. 2232

(2) "Electronic medium" means a video cassette tape, CD-ROM, 2233
interactive videodisc, or other format used to convey information 2234
to students through electronic means. 2235

(B) The classroom instruction required by division (C) of 2236
section 4508.02 of the Revised Code shall include the 2237
dissemination of information regarding anatomical gifts and 2238
anatomical gift procedures or a presentation and discussion of 2239
such gifts and procedures in accordance with this section. The 2240
second chance trust fund advisory committee created under section 2241
~~2108.17~~ 2108.35 of the Revised Code shall approve any brochure, 2242
written material, or electronic medium used by a driver training 2243
school to provide information to students regarding anatomical 2244
gifts and anatomical gift procedures. However, the committee shall 2245
not approve any such brochure, written material, or electronic 2246
medium that contains religious content for use in a driver 2247
education course conducted by a school district or educational 2248
service center. 2249

(C)(1) If any brochure or other written material approved by 2250
the committee under division (B) of this section is made available 2251
to a driver training school at no cost, the instructor shall 2252
provide such brochure or material to students. 2253

(2) If any electronic medium that is less than twenty minutes 2254
in length and that is approved by the committee under division (B) 2255
of this section is made available to a driver training school at 2256
no cost, the instructor shall show the electronic medium to 2257
students, provided that the school maintains operable viewing 2258
equipment. If more than one such electronic medium is made 2259
available to a school in accordance with this division, the 2260
instructor shall select one electronic medium from among those 2261
received by the school to show to students. 2262

(3) If no electronic medium is shown to students as specified 2263
in division (C)(2) of this section, the instructor shall organize 2264
a classroom presentation and discussion regarding anatomical gifts 2265
and anatomical gift procedures. The instructor may arrange for the 2266
presentation to be conducted by an employee of the department of 2267
health or any other state agency, an employee or volunteer of the 2268
second chance trust fund, an employee or volunteer of any 2269
organization involved in the procurement of organ donations, an 2270
organ donor, an organ recipient, an employee or volunteer of a 2271
tissue or eye bank, or a tissue or corneal transplant recipient, 2272
provided that no such person charges a fee to the school for the 2273
presentation. However, no such presentation that contains 2274
religious content shall be made to students of a driver education 2275
course conducted by a school district or educational service 2276
center. Students shall be granted the opportunity to ask questions 2277
on anatomical gifts and anatomical gift procedures during the 2278
presentation and discussion. 2279

Nothing in this section shall prohibit an instructor from 2280
also organizing a classroom presentation and discussion regarding 2281

anatomical gifts and anatomical gift procedures in accordance with 2282
this division if the instructor shows an electronic medium to 2283
students pursuant to division (C)(2) of this section. 2284

(D) No student shall be required to participate in any 2285
instruction in anatomical gifts or anatomical gift procedures 2286
conducted under this section upon written notification from the 2287
student's parent or guardian, or the student if the student is 2288
over eighteen years of age, that such instruction conflicts with 2289
the religious convictions of the student or the student's parent 2290
or guardian. If a student is excused from such instruction, the 2291
instructor shall give the student an alternative assignment. 2292

~~Sec. 4717.17. A funeral director may designate in writing an 2293
eye bank, tissue bank, or both with which the funeral director 2294
will cooperate concerning retrieval of usable eyes and tissues 2295
that have been donated. 2296~~

~~An eye or tissue bank designated under this section has the 2297
property right specified in section 2108.02 of the Revised Code. 2298~~

A funeral director acting in good faith is not liable in 2299
damages for injury resulting from acting or attempting to act in 2300
accordance with ~~the donor's declaration under section 2108.04~~ 2301
sections 2108.01 to 2108.29 of the Revised Code ~~of regarding~~ an 2302
anatomical gift. 2303

Section 2. That existing sections 124.04, 313.23, 2105.35, 2304
2108.09, 2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, 2305
2108.21, 2108.30, 2108.78, 2108.99, 2133.01, 2133.07, 2133.16, 2306
2305.37, 2919.16, 3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 2307
4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 4508.021, and 2308
4717.17 and sections 2108.01, 2108.02, 2108.021, 2108.03, 2108.04, 2309
2108.05, 2108.06, 2108.07, 2108.071, 2108.08, 2108.10, 2108.101, 2310
2108.12, 2108.53, and 2108.60 of the Revised Code are hereby 2311
repealed. 2312