



Ohio Legislative Service Commission

Bill Analysis

Bill Rowland

H.B. 228

128th General Assembly
(As Introduced)

Reps. Domenick, Bacon, Boyd, Fende, Foley, Hagan, Mecklenborg, Murray, Stewart, Winburn, Yuko

BILL SUMMARY

- Requires a coroner, deputy coroner, or pathologist to administer a chemical test to the blood of a deceased person to determine the alcohol, drug, or alcohol and drug content of the blood if the deceased person died by suicide or in a suspicious or unusual manner and if the deceased person's family member requests such a test.
- Requires the family member that requested the chemical test to be conducted on the deceased person's blood to pay the full cost of the chemical test.
- Specifies that an existing process regarding a bar against a coroner, deputy coroner, or pathologist performing an autopsy of a deceased person because of the deceased person's religious beliefs does not apply regarding a chemical test described in the second preceding dot point.

CONTENT AND OPERATION

Tests for the presence of alcohol or drugs in a deceased person

The bill provides that, if requested by a family member of a deceased person, a coroner, deputy coroner, or pathologist must administer a chemical test to the blood of the deceased person to determine the alcohol, drug, or alcohol and drug content of the blood if both of the following are the case:

- (1) The coroner, deputy coroner, or pathologist is notified or determines that the deceased person died by suicide or in a suspicious or unusual manner;
- (2) The full cost of the chemical test is paid for by the family member making the request. (R.C. 313.124(A)(1) and (2).)

The bill further specifies that a family member's request for a chemical test does not authorize the coroner, deputy coroner, or pathologist to perform an autopsy and does not affect the law that governs whether and when an autopsy is performed (R.C. 313.124(B)). The bill then clarifies that the results of a chemical test administered under its provisions at a family's request are public records as described in current law and must be made available to any person for inspection and copying in the manner and for the fees specified in current law (R.C. 313.124(C)).¹

Deceased person's religious beliefs

Current law generally requires a coroner, deputy coroner, or pathologist to perform an autopsy if, in the coroner's or deputy coroner's opinion, an autopsy is necessary. As an exception to the general requirement, current law establishes a process whereby a coroner, deputy coroner, or pathologist may be barred from performing an autopsy of a deceased person if a relative or friend of the deceased person requests that an autopsy not be conducted because an autopsy is contrary to the deceased person's religious beliefs or the coroner, deputy coroner, or pathologist has reason to believe the autopsy is contrary to the deceased person's religious beliefs. Current law establishes procedures for determining whether the autopsy should or should not be conducted in such a situation. The bill specifies that the above mentioned process regarding the religious beliefs of the deceased person does not prohibit the coroner, deputy coroner, or pathologist from administering a chemical test at a family's request under the bill's provisions and does not limit the coroner's, deputy coroner's, or pathologist's duties in administering such tests. (R.C. 313.131.)

HISTORY

ACTION	DATE
Introduced	06-17-09

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¹ Current law authorizes persons to receive a copy of most records of a coroner's office if a request for the copy is made in writing and establishes a copy fee of 25¢ per page or a minimum of \$1 (R.C. 313.10(B)).