As Introduced

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S. B. No. 414

Senator Patton

To amend sections 3304.23, 4507.06, 4507.13, 4507.51, and 4507.52 and to enact sections 313.133, 3701.1311, 3705.081, 3902.65, and 5164.11 of the Revised Code regarding sudden unexpected death in epilepsy and to allow a person with epilepsy to enroll in the Disability Database and have an epilepsy designation on the person's driver's license or state ID.

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

Section 1. That sections 3304.23, 4507.06, 4507.13, 4507.51, and 4507.52 be amended and sections 313.133, 3701.1311, 3705.081, 3902.65, and 5164.11 of the Revised Code be enacted to read as follows:

Sec. 313.133. (A) As used in this section, "sudden unexpected death in epilepsy" has the same meaning as in section 3701.1311 of the Revised Code.

(B) If the coroner, deputy coroner, or pathologist is informed that an individual who is the subject of an autopsy had epilepsy or a history of seizures, the autopsy shall include an investigation and determination as to whether the individual suffered a sudden unexpected death in epilepsy.

(C) If the coroner, deputy coroner, or pathologist determines that an individual did suffer a sudden unexpected death in epilepsy, the coroner, deputy coroner, or pathologist shall do both of the following:

(1) Ensure that the information is included on the individual's death certificate;

(2) Report the information to a relevant state or national sudden unexpected death in epilepsy registry.

Sec. 3304.23. (A) As used in this section:

(1) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Disability" means an intellectual impairment, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, epilepsy, traumatic brain injury, a serious health impairment, a specific learning impairment (including dyslexia), deaf-blindness, or a mental health condition with symptoms that make it difficult for a person to do certain activities or to interact with others.

(3) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(B) The opportunities for Ohioans with disabilities agency shall develop a verification form for a person diagnosed with a disability to be submitted voluntarily to the department of public safety so that the person may be included in the database established under section 5502.08 of the Revised Code. The same form shall be used to indicate that the person wishes to be removed from the database in accordance with division (F) of section 5502.08 of the Revised Code.

(C) The form shall include the following information:

(1) The name of the person diagnosed with a disability;

(2) The name of the person completing the form on behalf of the person diagnosed with a disability, if applicable;

(3) The relationship between the person completing the form and the person diagnosed with a disability, if applicable;

(4) The residential address of the individual in division (C)(1) or (2) of this section;

(5) The telephone number of the individual in division (C)(1) or (2) of this section;

(6) The driver's license number or state identification card number issued to the person diagnosed with a disability, if that person has such a number;

(7) The license plate number of each vehicle owned, operated, or regularly occupied by the person diagnosed with a disability or registered in that person's name;

(8) A certification that the person has been diagnosed

with a disability, signed by a psychiatrist or other physician, a psychologist, a clinical nurse specialist, or a certified nurse practitioner;

(9) The name, business address, business telephone number, and professional license number of the professional making the certification described in division (C)(6) of this section;

(10) The signature of the person diagnosed with a disability or the signature of the person completing the form on behalf of such a person;

(11) A place where the person diagnosed with a disability or the person completing the form on behalf of such a person may indicate the desire to be removed from the database.

(D) Any of the following persons may complete the verification form:

(1) Any person diagnosed with a disability who is eighteen years of age or older;

(2) The parent or parents of a minor child diagnosed with a disability;

(3) The guardian of a person diagnosed with a disability, regardless of the age of the person.

(E)(1) The opportunities for Ohioans with disabilities agency, the department of developmental disabilities, and the department of public safety shall make the verification form electronically available on each of their respective web sites.

(2) The opportunities for Ohioans with disabilities agency and the department of developmental disabilities shall conduct public outreach concerning the existence of the database created under section 5502.08 of the Revised Code and include

information regarding the database on their respective web sites.

Sec. 3701.1311. (A) As used in this section:

(1) "Health care practitioner" means all of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) An advanced practice registered nurse authorized under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse and designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(c) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant.

(2) "Sudden unexpected death in epilepsy" means sudden, unexpected death in patients with epilepsy, with or without evidence of a seizure.

(B) The director of health, in consultation with local and national organizations that provide education or services related to epilepsy conditions, shall provide guidance to health care practitioners who have the primary responsibility for treating individuals with epilepsy to assist practitioners in determining when an individual is at an elevated risk for sudden unexpected death in epilepsy. The guidance shall include information concerning all of the following:

(1) Convulsive seizures;

(2) The frequency and recency of seizures;

(3) Whether symptoms may subside in response to medicinal or surgical treatment.

(C) A health care practitioner who has the primary responsibility for the treatment or care, other than treatment during an emergency situation, of a patient who has been diagnosed with epilepsy shall do all of the following:

(1) Provide the patient or the patient's caregiver with education and counseling concerning the risks associated with sudden unexpected death in epilepsy;

(2) Refer the patient or the patient's caregiver to the guidance established by the director under division (B) of this section, to provide appropriate education concerning sudden unexpected death in epilepsy.

(D) In addition to the guidance established under division (B) of this section, the director shall develop an information and education program to notify individuals with epilepsy concerning the danger of sudden unexpected death in epilepsy, including educational awareness initiatives, risk counseling for patients to support continuity of care, and referrals to other appropriate services based on care plans determined by health care providers. The information and education shall be provided to health care professionals and posted on the department of health's internet web site.

(E) The director of health shall conduct outreach to the American medical association to recommend adding a current procedural terminology code for epilepsy education and counseling provided by a health care professional to a patient diagnosed with epilepsy.

(F)(1) Except in cases of intentional, willful, wanton, or

reckless conduct, a health care professional who provides treatment to a patient diagnosed with epilepsy is not liable for an injury or death arising from sudden unexpected death in epilepsy if the health care professional provides education and counseling to a patient in accordance with this section and maintains appropriate documentation concerning the education and counseling provided.

(2) The immunity described in division (E)(1) of this section does not apply if an injured party is able to prove by a preponderance of the evidence that education and counseling were not adequately provided to a patient or patient's caregiver.

Sec. 3705.081. The director of health shall make available on the department of health's internet web site information concerning sudden unexpected death in epilepsy. The information shall be accessible to all persons eligible to sign death certificates. In addition to making information available under this section, the director may provide educational training regarding sudden unexpected death in epilepsy.

As used in this section, "sudden unexpected death in epilepsy" has the same meaning as in section 3701.1311 of the Revised Code.

Sec. 3902.65. (A) Notwithstanding section 3901.71 of the Revised Code, a health benefit plan amended, issued, or renewed on or after the effective date of this section shall provide the same coverage and benefits for an individual diagnosed with epilepsy as an individual who has not been diagnosed with epilepsy. A health plan issuer shall not terminate coverage or refuse to renew an individual's coverage under a health benefit plan on the sole basis that the individual has been diagnosed with epilepsy.

(B) A health benefit plan shall include coverage for seizure detection devices that are prescribed to an enrollee by a physician who is a specialist in the treatment of epilepsy if the physician determines that the device is medically necessary.

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

Every application shall state the following:

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

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

(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now has any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians, certified nurse-midwives if authorized as described in section 4723.438 of the Revised Code, clinical nurse specialists, or certified nurse practitioners then or previously in attendance upon the applicant~~;~~. Additionally, if

the applicant is now or ever has been afflicted with epilepsy, the applicant shall state whether the applicant wishes the applicant's license to display the unique symbol as described in section 4507.13 of the Revised Code.

(d) Whether an applicant for a duplicate driver's license, duplicate license containing a motorcycle operator endorsement, or duplicate license containing a motor-driven cycle or motor scooter endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;

(e) If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift, which shall be given no consideration in the issuance of a license or endorsement;

(f) 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 applicant's license to indicate that the applicant has executed the instrument;

(g) Whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a

military designation on the license.

(2) Every applicant for a driver's license applying in person at a deputy registrar office shall be photographed at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or endorsement, or a renewal or duplicate.

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

(D) In addition to any other information it contains, the approved form furnished by the registrar of motor vehicles for an application for a license or endorsement or an application for a duplicate of any such license or endorsement shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license or duplicate indicate that the applicant is

a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A)(1)(g) of this section.

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall issue a driver's license to every person licensed as an operator of motor vehicles other than commercial motor vehicles. No person licensed as a commercial motor vehicle driver under Chapter 4506. of the Revised Code need procure a driver's license, but no person shall drive any commercial motor vehicle unless licensed as a commercial motor vehicle driver.

(2) Every driver's license shall display all of the following information:

(a) The distinguishing number assigned to the licensee;

(b) The licensee's name and date of birth;

(c) The licensee's residence address and county of residence;

(d) A photograph of the licensee;

(e) A brief description of the licensee for the purpose of identification;

(f) A facsimile of the signature of the licensee as it appears on the application for the license;

(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;

(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-

sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;

(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;

(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;

(k) If the licensee has specified that the licensee wishes the license to indicate that the licensee is now or has been afflicted with epilepsy, a unique symbol chosen by the registrar to indicate that the licensee is or has been afflicted with epilepsy;

(l) Any additional information that the registrar requires by rule.

(3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be displayed on the license, the social security number shall be displayed on the license notwithstanding this section.

(4) The driver's license for licensees under twenty-one

years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a licensee who is twenty-one years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

(5) The limited term license issued to a temporary resident shall contain the words "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

(6) Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been licensed to operate a motorcycle by this state or another jurisdiction recognized by this state. The "novice" designation shall be effective for one year after the date of issuance of the motorcycle operator's endorsement or license.

(7) Each license issued under this section shall be of such material and so designed as to prevent its reproduction or alteration without ready detection.

(B) Except in regard to a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue a driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the driver's

license issued to persons who are twenty-one years of age or older.

(C) The registrar shall ensure that driver's licenses issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

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

Sec. 4507.51. (A)(1) Every application for an identification card or duplicate shall be made on an approved form furnished by the registrar of motor vehicles and shall be signed by the applicant. The application also shall be signed by the applicant's parent or guardian, or by the department of rehabilitation and correction or the department of youth services, as applicable, if the applicant is under eighteen years of age.

Every application shall contain the following information:

(a) The applicant's name, date of birth, sex, general description including the applicant's height, weight, hair color, and eye color, address, country of citizenship, and social security number.

(b) If an applicant has not already certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift and information about the requirements of sections 2108.01 to 2108.29 of the Revised Code that apply to persons who are less than eighteen years of age. The statement regarding willingness to make such a donation shall be given no consideration in the

decision of whether to issue an identification card.

(c) 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 identification card issued to indicate that the applicant has executed the instrument.

(d) Whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the identification card issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the identification card.

(e) Whether the applicant is now or ever has been afflicted with epilepsy and, if so, whether the applicant wishes the applicant's identification card to display the unique symbol as described in section 4507.52 of the Revised Code.

(2) Each applicant applying in person at a deputy registrar office shall be photographed at the time of making an application.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether

to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(4) The application shall be accompanied by any necessary documents, as required by the registrar. The registrar or the deputy registrar may authenticate the submitted documents and verify the information in the application.

(B)(1) Except as provided in division (B)(2) of this section or section 4507.061 of the Revised Code, the application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true.

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

(2) The application for an identification card filed by either the department of rehabilitation and correction or the department of youth services on behalf of an individual in prison or in the department's custody shall be submitted through the process established by the registrar. The registrar shall establish the process for submission of such applications and the process for mailing the identification card to either the individual or the applicable department.

(C) In addition to any other information it contains, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card."

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The identification card shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

(8) Every identification card issued to a resident of this

state shall display the expiration date of the card, in accordance with section 4507.501 of the Revised Code.

(9) Every identification card issued to a temporary resident shall expire in accordance with section 4507.501 of the Revised Code and rules adopted by the registrar and is limited term. Every limited term identification card and limited term temporary identification card shall contain the words "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from an identification card issued to a resident.

(10) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is now or has been afflicted with epilepsy, the card also shall display a unique symbol chosen by the registrar to indicate that the cardholder is or has been afflicted with epilepsy.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) A cardholder may apply to obtain a reprint of the cardholder's identification card through electronic means in accordance with section 4507.40 of the Revised Code.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar.

(4) Except as provided in division (B)(5) or (6) of this section, when a cardholder applies for a duplicate, reprint, or replacement identification card, the cardholder shall pay the following fees:

(a) Two dollars and fifty cents;

(b) A deputy registrar or service fee equal to the amount established under section 4503.038 of the Revised Code.

(5) The following cardholders may apply for a duplicate, reprint, or replacement identification card without payment of any fee prescribed in division (B)(4) of this section:

(a) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration;

(b) A resident who is permanently or irreversibly disabled;

(c) A resident who is in the custody of the department of rehabilitation and correction or the department of youth services.

(6) A cardholder who is seventeen years of age or older may apply for a replacement identification card without payment of any fee prescribed in division (B)(4) of this section.

(7) A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered.

(D)(1) No agent of the state or its political subdivisions

shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 5164.11. (A) The medicaid program shall provide coverage for seizure detection devices as durable medical equipment if both of the following are satisfied:

(1) The seizure detection device is determined to be medically necessary by a health care provider based on a medicaid recipient's medical condition or status.

(2) The health care provider has determined that the

seizure detection device would likely assist in reducing bodily harm or death to a medicaid recipient as a result of the recipient experiencing a seizure or would provide data to the provider as necessary to appropriately diagnose or treat a health condition of the recipient that causes seizure activity.

(B) The coverage required by this section shall include the full cost of a seizure detection device, including any related service or subscription supporting the device. The medicaid payment rate for a service or subscription supporting the use of a seizure detection device shall equal one hundred per cent of the rate for monthly remote monitoring services or subscriptions afforded to other remote monitoring devices.

(C) The department of medicaid shall conduct a biennial review of the list of covered seizure detection devices and update the list as necessary to include the latest technologies approved by the United States food and drug administration, ensuring that medicaid recipients have access to the most effective and current devices.

Section 2. That existing sections 3304.23, 4507.06, 4507.13, 4507.51, and 4507.52 of the Revised Code are hereby repealed.