#### As Introduced

# 131st General Assembly Regular Session 2015-2016

S. B. No. 28

## Senator Patton Cosponsors: Senators Tavares, Eklund, Skindell

## A BILL

То	require the Director of Health to survey	1
	coroners and laboratories concerning the	2
	collection, retention, and processing of blood	3
	and tissue specimens for postmortem genetic	4
	testing, to recommend legislative and fiscal	5
	policies after analyzing survey results, and to	6
	establish an advisory council to assist the	7
	Director with those responsibilities.	8

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

Section 1. (A) As used in this section:	9
(1) "Autopsy" has the same meaning as in section 313.123	10
of the Revised Code.	11
(2) "Coroner" includes a medical examiner.	12
(B) The Director of Health shall survey each coroner in	13
this state for the purpose of determining the circumstances	14
under which, and how, each coroner collects and retains blood	15
and tissue specimens from autopsies and submits the specimens to	16
laboratories for postmortem genetic testing. The Director shall	17
consult with the advisory council established under division (D)	18

of this section when designing the survey. The survey shall seek	19
the following information from each coroner:	20
(1) The protocols governing whether blood and tissue	21
specimens will be retained from an autopsy with the intent to	22
submit the specimens for postmortem genetic testing, who	23
collects the specimens and how they are collected and retained,	24
which laboratories receive the specimens, and what is done with	25
the test results once they are received.	26
(2) The resources the coroner uses to collect and retain	27
the specimens, including personnel, equipment, and materials.	28
(3) If the coroner does not currently retain specimens	29
using the process known as "flash freezing" or "snap freezing,"	30
the resources the coroner estimates would be needed to initiate	31
and use this process in lieu of current specimen retention	32
processes.	33
(C) The Director shall identify and survey each laboratory	34
in this state that performs postmortem genetic testing. The	35
Director shall consult with the advisory council established	36
under division (D) of this section when designing the survey.	37
The survey shall seek the following information from each	38
laboratory:	39
(1) The number and type of postmortem genetic tests	40
performed in each of the last five years;	41
(2) The laboratory's ability to increase the number of	42
postmortem genetic tests performed annually;	43
(3) The laboratory's requirements for receiving specimens	44
to be tested;	45
(4) The laboratory's charges for testing.	46

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(D)(1) The Director shall establish an advisory council to	47
assist the Director with designing and conducting the surveys	48
described in divisions (B) and (C) of this section and preparing	49
the report described in division (E) of this section. The	50
advisory council's membership shall be determined by the	51
Director, but must include both of the following:	52
(a) Medical professionals or researchers in this state who	53
are knowledgeable about the processes used to collect and retain	54
blood and tissue specimens for postmortem genetic testing,	55
including the processes known as "flash freezing" or "snap	56
<pre>freezing";</pre>	57
(b) At least one coroner.	58
(2) Members shall serve without compensation, except to	59
the extent that serving on the advisory council is considered	
part of their regular employment duties.	61
(3) The advisory council shall meet at the call of the	62
Director. The Director may appoint from the advisory council's	63
members a chairperson. A majority of the members constitutes a	64
quorum and a quorum is necessary for the advisory council to	65
make any recommendation to the Director. The staff of the	66
Department of Health shall provide technical and administrative	67
support as needed by the advisory council.	68
(4) The advisory council shall cease to exist on	69
submission of the report described in division (E) of this	70
section.	71
(E) Not later than ninety days after the effective date of	72
this act, the Director and advisory council shall submit a	73
report to the General Assembly in accordance with section 101.68	74
of the Revised Code. The report shall summarize the information	7.5

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collected from the surveys completed under this section and	76
recommend legislative and fiscal policies that would do both of	77
the following:	78
(1) Authorize the next of kin of a deceased person on whom	79
an autopsy is performed because the person died suddenly and	80
unexpectedly to request that blood or tissue specimens be	81
collected during the autopsy, retained, and submitted for	82
postmortem genetic testing paid for by the next of kin;	83
(2) Require a coroner to collect, retain, and submit for	84
postmortem genetic testing those specimens in a manner that	85
meets requirements established by the laboratories identified	86

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under division (C) of this section.