

AN ACT

To amend sections 2108.05 and 2108.33 and to enact section 2108.231 of the Revised Code to require the Department of Natural Resources to inquire about organ donation under specified circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2108.05 and 2108.33 be amended and section 2108.231 of the Revised Code be enacted to read as follows:

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

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

(2) Specifying during an application for or renewal of a motor vehicle registration that the donor has certified a willingness to make an anatomical gift;

(3) During Beginning on August 1, 2025, specifying during an application for a hunting or fishing license that the donor has certified a willingness to make an anatomical gift;

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

~~(4)~~(5) Following the procedure in division (B) of this section.

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

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

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

(C) Once a donor has certified a willingness to make an anatomical gift through either a symbol on the donor's driver's license or identification card or at the time of motor vehicle registration, the donor does not need to recertify the donor's willingness to make an anatomical gift upon renewal of the driver's license, identification card, or motor vehicle registration. The authorization shall remain in effect until the donor withdraws that authorization.

(D) 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.

Sec. 2108.231. (A) As used in this section:

(1) "Eligible person" means a person who is all of the following:

(a) A resident of this state;

(b) Eligible to make an anatomical gift under division (A) of section 2108.04 of the Revised Code;

(c) Not already included in the donor registry established under section 2108.23 of the Revised Code.

(2) "Issuer" means the chief of the division of wildlife and agents authorized under section 1533.13 of the Revised Code to issue hunting and fishing licenses.

(B)(1) Beginning on August 1, 2025, an issuer shall ask whether an eligible person wishes to certify the person's willingness to become an anatomical gift donor when the person is applying for a hunting or fishing license in person.

(2) If an eligible person indicates to the issuer the person's willingness to become an anatomical gift donor, the issuer shall register the eligible person in the donor registry maintained by the bureau of motor vehicles under section 2108.23 of the Revised Code.

(C) Beginning on August 1, 2025, the chief of the division of wildlife shall provide the form set forth in division (C)(2) of section 2133.07 of the Revised Code to a person applying for a hunting or fishing license by mail. An eligible person who provides the form to the bureau of motor vehicles requesting to be included in the donor registry shall be included.

(D) Beginning on August 1, 2025, the chief shall provide any person applying online for a hunting or fishing license who is willing to become an anatomical gift donor with an electronic hyperlink to the donor registry. An eligible person who registers electronically with the donor registry shall be included in the donor registry.

Sec. 2108.33. (A) The bureau of motor vehicles, registrar of motor vehicles, deputy registrars of motor vehicles, and agents and employees of the bureau of motor vehicles are not liable for damages in any civil action or subject to prosecution in a criminal proceeding for acting, attempting to act, or failing to act in accordance with section 2108.23, 2108.32, or 4501.024 of the Revised Code, unless the act, attempt, or omission was committed or omitted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B) Beginning on August 1, 2025, an issuer, as defined in section 2108.231 of the Revised Code, is not liable for damages in any civil action or subject to prosecution in a criminal proceeding for acting, attempting to act, or failing to act in accordance with section 2108.231 of the Revised Code, unless the act, attempt, or omission was committed or omitted with malicious purpose, in bad faith, or in a wanton or reckless manner.

SECTION 2. That existing sections 2108.05 and 2108.33 of the Revised Code are hereby repealed.

Am. H. B. No. 256

135th G.A.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor:

Am. H. B. No. 256

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____