

As Reported by the Senate Health Committee

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 256

Representatives Miller, K., Creech

Cosponsors: Representatives Johnson, Brennan, Seitz, Schmidt, Gross, Stewart, Liston, Abdullahi, Baker, Grim, Lorenz, Somani, White, Abrams, Brown, Carruthers, Claggett, Click, Cross, Dell'Aquila, Dobos, Edwards, Forhan, Ghanbari, Hall, Hoops, Humphrey, Isaacsohn, John, Jones, Lampton, Lightbody, Lipps, Loychik, Mathews, Miller, A., Miller, J., Miranda, Mohamed, Pavliga, Peterson, Ray, Robb Blasdel, Roemer, Russo, Sweeney, Thomas, C., Troy, Weinstein, Williams, Willis

Senator Huffman, S.

A BILL

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. 1 2 3 4 5

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: 6 7 8

Sec. 2108.05. (A) A donor may make an anatomical gift by
doing any of the following: 9 10

(1) Authorizing a statement or symbol to be imprinted on
the donor's driver's license or identification card indicating 11 12

that the donor has certified a willingness to make an anatomical 13
gift; 14

(2) Specifying during an application for or renewal of a 15
motor vehicle registration that the donor has certified a 16
willingness to make an anatomical gift; 17

(3) ~~During~~ Beginning on August 1, 2025, specifying during 18
an application for a hunting or fishing license that the donor 19
has certified a willingness to make an anatomical gift; 20

(4) During a terminal illness or injury of the donor, 21
communicating in any manner to a minimum of two adults, at least 22
one of whom is a disinterested witness, that the donor intends 23
to make an anatomical gift; 24

~~(4)~~ (5) Following the procedure in division (B) of this 25
section. 26

(B) A donor or other person authorized to make an 27
anatomical gift under section 2108.04 of the Revised Code may 28
make a gift by a donor card or other record signed by the donor 29
or other person making the gift or by authorizing that a 30
statement or symbol indicating that the donor has certified a 31
willingness to make an anatomical gift be included in a donor 32
registry. If the donor or other person is physically unable to 33
sign a record, the record may be signed by another individual at 34
the direction of the donor or other person and shall do both of 35
the following: 36

(1) Be witnessed by at least two adults, at least one of 37
whom is a disinterested witness, who have signed at the request 38
of the donor or the other person; 39

(2) State that it has been signed and witnessed as 40
provided in division (B) (1) of this section. 41

(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 70
maintained by the bureau of motor vehicles under section 2108.23 71
of the Revised Code. 72

(C) Beginning on August 1, 2025, the chief of the division 73
of wildlife shall provide the form set forth in division (C)(2) 74
of section 2133.07 of the Revised Code to a person applying for 75
a hunting or fishing license by mail. An eligible person who 76
provides the form to the bureau of motor vehicles requesting to 77
be included in the donor registry shall be included. 78

(D) Beginning on August 1, 2025, the chief shall provide 79
any person applying online for a hunting or fishing license who 80
is willing to become an anatomical gift donor with an electronic 81
hyperlink to the donor registry. An eligible person who 82
registers electronically with the donor registry shall be 83
included in the donor registry. 84

Sec. 2108.33. (A) The bureau of motor vehicles, registrar 85
of motor vehicles, deputy registrars of motor vehicles, and 86
agents and employees of the bureau of motor vehicles are not 87
liable for damages in any civil action or subject to prosecution 88
in a criminal proceeding for acting, attempting to act, or 89
failing to act in accordance with section 2108.23, 2108.32, or 90
4501.024 of the Revised Code, unless the act, attempt, or 91
omission was committed or omitted with malicious purpose, in bad 92
faith, or in a wanton or reckless manner. 93

(B) Beginning on August 1, 2025, an issuer, as defined in 94
section 2108.231 of the Revised Code, is not liable for damages 95
in any civil action or subject to prosecution in a criminal 96
proceeding for acting, attempting to act, or failing to act in 97
accordance with section 2108.231 of the Revised Code, unless the 98
act, attempt, or omission was committed or omitted with 99

<u>malicious purpose, in bad faith, or in a wanton or reckless</u>	100
<u>manner.</u>	101
Section 2. That existing sections 2108.05 and 2108.33 of	102
the Revised Code are hereby repealed.	103