



Lynda Meinke

*Final Analysis*  
Legislative Service Commission

**Sub. S.B. 158**  
124th General Assembly  
(As Passed by the General Assembly)

**Sens. Wachtmann, Hagan, Blessing, Armbruster, Prentiss, Randy Gardner, Harris, Shoemaker, Spada, White**

**Reps. Jolivette, Kearns, Aslanides, Barnes, Roman, McGregor, Sullivan, Seitz, Schneider, Williams, Cirelli, D. Miller, R. Miller, Patton, S. Smith, Beatty, Schmidt, Coates, Hagan, Buehrer, Otterman, Carano, Distel, Redfern, Sferra, Oakar, Latell, Fedor, Flowers, G. Smith, Salerno, Schaffer, Gilb, Lendrum, Young, Evans, Hoops, Perry**

Effective date: \*

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**ACT SUMMARY**

- Eliminates witness requirement for a person age 18 or older making an organ donor designation when obtaining a motor vehicle license or identification card.
- Permits the Director of Health to use money from the Second Chance Trust Fund for donor awareness programs in schools of any level.
- Declares an emergency.

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**CONTENT AND OPERATION**

**Organ donor designation**

(secs. 2108.04, 2108.10, and 2108.101)

One of the ways an individual can become an organ donor is by designating an anatomical gift on a driver's or motorcycle operator's license or on an identification card issued by the Registrar of Motor Vehicles or a deputy registrar.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

Prior existing law required that the individual sign a statement in the presence of two witnesses at the time of application for a new or renewed license or card. If the individual was under age 18, one of the witnesses was required to be a parent or guardian of the individual. The statement gave the applicant the option to make an anatomical gift of either (1) any needed body parts or (2) specific body parts the applicant designates.

Under the act, an applicant for a new or renewed license or identification card who is age 18 or older is not required to have witnesses sign the statement of intent to make an anatomical gift. The act also creates a new statement for designating an anatomical gift made on an application or renewal for a driver's license or identification card. The new statement eliminates the option to specify which body parts are included in an anatomical gift and instead provides that the applicant makes "an anatomical gift of organs, tissues, and eyes for any purpose authorized by law." An applicant under age 18 must still have the statement witnessed by a parent or guardian.

The act also provides that any anatomical gift designation made prior to the act's effective date by a person age 18 or older that includes the person's signature is valid regardless of whether it has been witnessed.<sup>1</sup>

### **Second Chance Trust Fund**

(sec. 2108.15)

The Second Chance Trust Fund consists of voluntary contributions for promotion of organ, eye, and tissue donation. The Director of Health may use money from the Fund for several purposes related to promoting anatomical donations. One of these is to develop and implement local and statewide donor awareness programs in secondary schools. Under the act, money from the Fund may be used for donor awareness programs in all schools, not just secondary schools.

### **Good faith immunity**

(sec. 2108.08)

Under continuing law, a person who, in good faith acts, or attempts to act in accordance with Ohio law governing the making of anatomical gifts, or the anatomical gift laws of other states, is not liable for damages in any civil action or

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<sup>1</sup> *It is not clear whether, in the case of an anatomical gift made prior to the act's effective date that makes a gift of specific body parts, the specific gift controls or the language making an anatomical gift in the new statement controls.*

subject to prosecution in any criminal proceeding for his act. Under prior law, the immunity provisions did not apply to actions taken pursuant to law governing the Second Chance Trust Fund and the Second Chance Trust Fund Advisory Committee. The immunity provisions also did not apply to actions taken pursuant to law governing the donor registry developed and maintained by the Bureau of Motor Vehicles that identifies each individual who has made an anatomical gift on a driver's or motorcycle operator's license or on an identification card. The act extends the immunity provisions to actions taken under the laws governing the Second Chance Trust Fund, Second Chance Trust Fund Advisory Committee, and the donor registry.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced Reported, S. Health, Human Services & Aging	09-13-01	p. 888
Passed Senate (32-0) Reported, H. Health & Family Services	10-04-01	p. 943
	10-04-01	pp. 944-945
	10-25-01	pp. 993-994
Passed House (96-0)	10-30-01	pp. 1033-1035

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