



Sub. S.B. 158

124th General Assembly

(As Reported by H. Health & Family Services)

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

BILL 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.

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. Current law requires 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 is under age 18, one of the witnesses must be a parent or guardian of the individual. The statement gives 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 bill, 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 bill 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 have the statement witnessed by a parent or guardian.

The bill also provides that any anatomical gift designation made prior to the bill'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.¹

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 bill, 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 current 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 subject to prosecution in any criminal proceeding for his act. The immunity provisions do not apply to actions taken pursuant to current law governing the Second Chance Trust Fund and the Second Chance Trust Fund Advisory Committee. The immunity provisions also do not apply to actions taken pursuant to current 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

¹ *It is not clear whether, in the case of an anatomical gift made prior to the bill'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.*

identification card. The registry is maintained to provide information to organ procurement organizations, tissue banks, and eye banks on a 24 hour a day, seven day a week basis. The registry is operated pursuant to rules adopted by the Registrar of Motor Vehicles in consultation with the Director of Health and the Second Chance Trust Fund Advisory Committee. The bill 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.

HISTORY

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

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