

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 256

Representatives Miller, K., Creech

Cosponsors: Representatives Johnson, Brennan, Seitz, Schmidt, Gross

A BILL

To amend section 2108.05 and to enact section 1
2108.231 of the Revised Code to require the 2
Department of Natural Resources to inquire about 3
organ donation under specified circumstances. 4

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

Section 1. That section 2108.05 be amended and section 5
2108.231 of the Revised Code be enacted to read as follows: 6

Sec. 2108.05. (A) A donor may make an anatomical gift by 7
doing any of the following: 8

(1) Authorizing a statement or symbol to be imprinted on 9
the donor's driver's license or identification card indicating 10
that the donor has certified a willingness to make an anatomical 11
gift; 12

(2) Specifying during an application for or renewal of a 13
motor vehicle registration that the donor has certified a 14
willingness to make an anatomical gift; 15

(3) ~~During~~ Specifying during an application for a hunting 16
or fishing license that the donor has certified a willingness to 17

make an anatomical gift; 18

(4) During a terminal illness or injury of the donor, 19
communicating in any manner to a minimum of two adults, at least 20
one of whom is a disinterested witness, that the donor intends 21
to make an anatomical gift; 22

~~(4)~~ (5) Following the procedure in division (B) of this 23
section. 24

(B) A donor or other person authorized to make an 25
anatomical gift under section 2108.04 of the Revised Code may 26
make a gift by a donor card or other record signed by the donor 27
or other person making the gift or by authorizing that a 28
statement or symbol indicating that the donor has certified a 29
willingness to make an anatomical gift be included in a donor 30
registry. If the donor or other person is physically unable to 31
sign a record, the record may be signed by another individual at 32
the direction of the donor or other person and shall do both of 33
the following: 34

(1) Be witnessed by at least two adults, at least one of 35
whom is a disinterested witness, who have signed at the request 36
of the donor or the other person; 37

(2) State that it has been signed and witnessed as 38
provided in division (B)(1) of this section. 39

(C) Once a donor has certified a willingness to make an 40
anatomical gift through either a symbol on the donor's driver's 41
license or identification card or at the time of motor vehicle 42
registration, the donor does not need to recertify the donor's 43
willingness to make an anatomical gift upon renewal of the 44
driver's license, identification card, or motor vehicle 45
registration. The authorization shall remain in effect until the 46

donor withdraws that authorization. 47

(D) Revocation, suspension, expiration, or cancellation of 48
a driver's license or identification card upon which an 49
anatomical gift is indicated does not invalidate the gift. 50

Sec. 2108.231. (A) As used in this section: 51

(1) "Eligible person" means a person who is all of the 52
following: 53

(a) A resident of this state; 54

(b) Eligible to make an anatomical gift under division (A) 55
of section 2108.04 of the Revised Code; 56

(c) Not already included in the donor registry established 57
under section 2108.23 of the Revised Code. 58

(2) "Issuer" means the chief of the division of wildlife 59
and agents authorized under section 1533.13 of the Revised Code 60
to issue hunting and fishing licenses. 61

(B) (1) An issuer shall ask whether an eligible person 62
wishes to certify the person's willingness to become an 63
anatomical gift donor when the person is applying for a hunting 64
or fishing license in person. 65

(2) If an eligible person indicates to the issuer the 66
person's willingness to become an anatomical gift donor, the 67
issuer shall register the eligible person in the donor registry 68
maintained by the bureau of motor vehicles under section 2108.23 69
of the Revised Code. 70

(C) The chief of the division of wildlife shall provide 71
the form set forth in division (C) (2) of section 2133.07 of the 72
Revised Code to a person applying for a hunting or fishing 73

license by mail. An eligible person who provides the form to the 74
bureau of motor vehicles requesting to be included in the donor 75
registry shall be included. 76

(D) The chief shall provide any person applying online for 77
a hunting or fishing license who is willing to become an 78
anatomical gift donor with an electronic hyperlink to the donor 79
registry. An eligible person who registers electronically with 80
the donor registry shall be included in the donor registry. 81

Section 2. That existing section 2108.05 of the Revised 82
Code is hereby repealed. 83