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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 256  
135<sup>th</sup> General Assembly

## Final Analysis

[Click here for H.B. 256's Fiscal Note](#)

**Primary Sponsors:** Reps. K. Miller and Creech

**Effective date:\***

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### SUMMARY

- Adds applying for a hunting or fishing license to the ways that a person may register to become an organ donor.
- Requires the Department of Natural Resources' Division of Wildlife and its authorized agents to ask an eligible person applying in person for a hunting or fishing license if the eligible person would like to become an organ donor.
- Requires the Division and its authorized agents to register the eligible person as an organ donor in the organ donor registry maintained by the Bureau of Motor Vehicles (BMV) if the eligible person indicates approval for inclusion.
- Requires the Division to provide the organ donor registration form maintained by the BMV in mail applications for hunting and fishing licenses and, accordingly, requires the BMV to register those who return the application.
- Requires the Division to provide any person applying online for a hunting or fishing license who is willing to become an organ donor with an electronic hyperlink to the organ donor registry and include those who so register in the organ donor registry.
- Explicitly exempts the Division and authorized agents who issue hunting and fishing licenses from civil damages and prosecution for acting, attempting to act, or failing to act in accordance with the act's anatomical gift donor provisions.
- Delays implementation of the act's requirements until August 1, 2025.

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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.

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## DETAILED ANALYSIS

### Organ donation by hunting and fishing license applicants

The act adds applying for a hunting or fishing license to the list of ways that a person may certify a willingness to become an organ donor beginning August 1, 2025. Under continuing law, there are various ways a person can indicate that the person wishes to become an organ donor:

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 become an organ donor;
2. Specifying during an application for or renewal of a motor vehicle registration that the donor has certified a willingness to be an organ donor;
3. During a terminal illness or injury, communicating the donor's willingness to at least two adults, at least one of whom is a disinterested witness, that the donor intends to become an organ donor;
4. Following procedures to sign a record to become an organ donor, or authorize a person to make that signature on the donor's behalf.<sup>1</sup>

Continuing law also requires the Bureau of Motor Vehicles (BMV) to maintain an organ donor registry of persons who indicate a willingness to become an organ donor during applications or renewals for driver's licenses, identification cards, and motor vehicle registrations.<sup>2</sup>

### In person hunting and fishing applications

The act requires the Department of Natural Resources' Division of Wildlife (and agents of the Division authorized to issue hunting and fishing licenses) to ask an *eligible person* who is applying, in person, for a hunting or fishing license if the person would like to become an organ donor.<sup>3</sup> An eligible person is an Ohio resident who is not already included in the organ donor registry and who is eligible to make an anatomical gift because the person is one of the following:

1. An adult over 18;
2. An emancipated minor; or

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<sup>1</sup> R.C. 2108.05(A).

<sup>2</sup> R.C. 2108.23, not in the act.

<sup>3</sup> R.C. 2108.231(B)(1).

3. A minor who is authorized to apply for a temporary instruction permit because the minor is at least 15½.<sup>4</sup>

If the eligible person indicates to the Division or issuing agent that the person would like to be included in the registry, the Division or issuing agent must register the person in the registry maintained by the BMV.<sup>5</sup>

### **Mail and online applications for hunting and fishing licenses**

The act requires the Division to provide the organ donor registration form maintained by the BMV in mail applications for hunting and fishing licenses. If an eligible person returns the organ donor registration form to the BMV, the BMV must include the eligible person in the organ donor registry. The BMV organ donor registration form is BMV form 3346 and is available on the BMV website.<sup>6</sup>

The act also requires the Division to provide any person applying online for a hunting or fishing license who is willing to become an organ donor with an electronic hyperlink to the organ donor registry. Accordingly, the Division must include in the registry any eligible person who registers electronically via the hyperlink.<sup>7</sup>

### **Immunity from liability**

The act explicitly exempts the Division and authorized agents who issue hunting and fishing licenses from civil damages and prosecution for acting, attempting to act, or failing to act in accordance with the act's provisions regarding registering a hunting or fishing license applicant as an anatomical gift donor. However, the immunity does not apply if the act, attempt, or omission was committed or omitted with malicious purpose, in bad faith, or in a wanton or reckless manner. This immunity is the same as the immunity provided in continuing law to the BMV, Registrar of Motor Vehicles, deputy registrars, and agents and employees of the BMV regarding the anatomical gift donor registry.<sup>8</sup>

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## **HISTORY**

Action	Date
Introduced	08-16-23
Reported, H. Public Health Policy	11-15-23

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<sup>4</sup> R.C. 2108.231(A)(1) and R.C. 2108.04, not in the act.

<sup>5</sup> R.C. 2108.231(B)(2).

<sup>6</sup> R.C. 2108.231(C). See Ohio BMV, [Organ Donor Registry Enrollment \(PDF\)](#), Form 3346, which is available on the BMV website: [bmv.ohio.gov](http://bmv.ohio.gov), under "Documents and Fees."

<sup>7</sup> R.C. 2108.231(D).

<sup>8</sup> R.C. 2108.33.

Action	Date
Passed House (77-0)	11-29-23
Reported, S. Health	12-04-24
Passed Senate (27-1)	12-04-24
House concurred in Senate amendments (89-0)	12-10-24