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H.B. 256
135th General Assembly

Bill Analysis

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Version: As Reported by House Public Health Policy

Primary Sponsors: Reps. K. Miller and Creech

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SUMMARY

- 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.
- Requires the Division of Wildlife in the Department of Natural Resources 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.
- Specifies that if an eligible person returns the organ donor registration form to the BMV, the BMV must include the person in the organ donor registry.
- 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.
- Specifies that an eligible person who registers electronically with the organ donor registry must be included.
- 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 bill's anatomical gift donor provisions.
- Delays the effective start of the bill's requirements that apply to the Division until April 1, 2025.

DETAILED ANALYSIS

Organ donation

The bill adds applying for a hunting or fishing license to the list of ways a person may certify a willingness to become an organ donor beginning April 1, 2025. Under current law, there are four 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.¹

The Bureau of Motor Vehicles (BMV) must 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. In maintaining that registry, the BMV must ask all of the following persons whether they wish to become an organ donor, regardless of the method of application or renewal (in person, mail, or online):

1. A person applying for or renewing a driver's license;
2. A person applying for or renewing an identification card; and
3. A person applying for or renewing a motor vehicle registration.²

In person hunting and fishing applications

The bill requires the Division of Wildlife in the Department of Natural Resources (and agents of the Division authorized to issue hunting and fishing licenses) to ask an *eligible person* who is applying for a hunting or fishing license in person if the person would like to become an organ donor.³ Under the bill, an eligible person is all of the following:

1. An Ohio resident;
2. Eligible to make an anatomical gift under current law because the person is one of the following:

¹ R.C. 2108.05(A).

² R.C. 2108.23, not in the bill.

³ R.C. 2108.231(B)(1).

- a. An adult over the age of 18;
 - b. An emancipated minor; or
 - c. A minor who is authorized to apply for a temporary instruction permit because the minor is at least 15 years and six months of age.
3. Not already included in the organ donor registry maintained by the BMV under current law.⁴

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 beginning April 1, 2025.⁵ The ability to register as an organ donor in the BMV registry is available online.⁶

Mail applications for hunting and fishing licenses

Beginning April 1, 2025, the bill requires the Division to provide the organ donor registration form maintained by the BMV in mail applications for hunting and fishing licenses. Further, the bill specifies that 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.⁷ The BMV organ donor registration form is BMV form 3346 and is available on the BMV website.⁸

Online applications for hunting and fishing licenses

Beginning April 1, 2025, the bill requires the Division to provide any person applying online for a hunting or fishing license who is willing to become an organ donor with the electronic hyperlink to the organ donor registry. Any eligible person who registers electronically via the hyperlink must be included in the registry.⁹

Immunity from liability

The bill also 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 bill's provisions regarding registering a hunting or fishing license applicant as an anatomical gift donor. However, that 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 current law

⁴ R.C. 2108.231(A)(1) and R.C. 2108.04, not in the bill.

⁵ R.C. 2108.231(B)(2).

⁶ See Ohio BMV Online Services, an online portal maintained by the BMV which is available on the BMV website: bmv.ohio.gov.

⁷ R.C. 2108.231(C).

⁸ See Ohio BMV "Documents and Fees," BMV 3346, which is available on the BMV website: publicsafety.ohio.gov/links/bmv3346.pdf.

⁹ R.C. 2108.231(D).

to the BMV, Registrar of Motor Vehicles, deputy registrars, and agents and employees of the BMV regarding the anatomical gift donor registry.¹⁰

HISTORY

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

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¹⁰ R.C. 2108.33.