

As Introduced

131st General Assembly

Regular Session

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S. B. No. 28

Senator Patton

Cosponsors: Senators Tavares, Eklund, Skindell

A BILL

To require the Director of Health to survey 1
coroners and laboratories concerning the 2
collection, retention, and processing of blood 3
and tissue specimens for postmortem genetic 4
testing, to recommend legislative and fiscal 5
policies after analyzing survey results, and to 6
establish an advisory council to assist the 7
Director with those responsibilities. 8

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

Section 1. (A) As used in this section: 9

(1) "Autopsy" has the same meaning as in section 313.123 10
of the Revised Code. 11

(2) "Coroner" includes a medical examiner. 12

(B) The Director of Health shall survey each coroner in 13
this state for the purpose of determining the circumstances 14
under which, and how, each coroner collects and retains blood 15
and tissue specimens from autopsies and submits the specimens to 16
laboratories for postmortem genetic testing. The Director shall 17
consult with the advisory council established under division (D) 18

of this section when designing the survey. The survey shall seek 19
the following information from each coroner: 20

(1) The protocols governing whether blood and tissue 21
specimens will be retained from an autopsy with the intent to 22
submit the specimens for postmortem genetic testing, who 23
collects the specimens and how they are collected and retained, 24
which laboratories receive the specimens, and what is done with 25
the test results once they are received. 26

(2) The resources the coroner uses to collect and retain 27
the specimens, including personnel, equipment, and materials. 28

(3) If the coroner does not currently retain specimens 29
using the process known as "flash freezing" or "snap freezing," 30
the resources the coroner estimates would be needed to initiate 31
and use this process in lieu of current specimen retention 32
processes. 33

(C) The Director shall identify and survey each laboratory 34
in this state that performs postmortem genetic testing. The 35
Director shall consult with the advisory council established 36
under division (D) of this section when designing the survey. 37
The survey shall seek the following information from each 38
laboratory: 39

(1) The number and type of postmortem genetic tests 40
performed in each of the last five years; 41

(2) The laboratory's ability to increase the number of 42
postmortem genetic tests performed annually; 43

(3) The laboratory's requirements for receiving specimens 44
to be tested; 45

(4) The laboratory's charges for testing. 46

(D) (1) The Director shall establish an advisory council to assist the Director with designing and conducting the surveys described in divisions (B) and (C) of this section and preparing the report described in division (E) of this section. The advisory council's membership shall be determined by the Director, but must include both of the following:

(a) Medical professionals or researchers in this state who are knowledgeable about the processes used to collect and retain blood and tissue specimens for postmortem genetic testing, including the processes known as "flash freezing" or "snap freezing";

(b) At least one coroner.

(2) Members shall serve without compensation, except to the extent that serving on the advisory council is considered part of their regular employment duties.

(3) The advisory council shall meet at the call of the Director. The Director may appoint from the advisory council's members a chairperson. A majority of the members constitutes a quorum and a quorum is necessary for the advisory council to make any recommendation to the Director. The staff of the Department of Health shall provide technical and administrative support as needed by the advisory council.

(4) The advisory council shall cease to exist on submission of the report described in division (E) of this section.

(E) Not later than ninety days after the effective date of this act, the Director and advisory council shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code. The report shall summarize the information

collected from the surveys completed under this section and 76
recommend legislative and fiscal policies that would do both of 77
the following: 78

(1) Authorize the next of kin of a deceased person on whom 79
an autopsy is performed because the person died suddenly and 80
unexpectedly to request that blood or tissue specimens be 81
collected during the autopsy, retained, and submitted for 82
postmortem genetic testing paid for by the next of kin; 83

(2) Require a coroner to collect, retain, and submit for 84
postmortem genetic testing those specimens in a manner that 85
meets requirements established by the laboratories identified 86
under division (C) of this section. 87