



Ohio Legislative Service Commission

Bill Analysis

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S.B. 28

131st General Assembly
(As Introduced)

Sens. Patton, Tavares, Eklund, Skindell

BILL SUMMARY

- Requires the Director of Health, with assistance from an advisory council, to survey coroners and laboratories in Ohio regarding postmortem genetic testing.
- Requires the Director and advisory council to recommend legislative and fiscal policies within 90 days.

CONTENT AND OPERATION

Postmortem genetic testing

Overview

The bill requires the Director of Health to survey each coroner and laboratory in Ohio on the topic of postmortem genetic testing. The surveys for coroners are intended to determine the circumstances under which, and how, each coroner collects and retains blood and tissue specimens from autopsies and submits the specimens to laboratories for postmortem genetic testing. The surveys for laboratories seek operations information specified by the bill. When designing and conducting both surveys, the Director must consult with an advisory council the bill requires the Director to establish. The advisory council also must assist the Director with preparing a report that summarizes the information collected from the surveys and makes legislative and fiscal policy recommendations related to postmortem genetic testing requested by a deceased's next of kin.¹

¹ Section 1.

Coroner surveys

The survey the bill requires the Director of Health to submit to coroners must seek all of the following information:²

--The protocols governing whether blood and tissue specimens will be retained from an autopsy with the intent to submit the specimens for postmortem genetic testing, who collects the specimens and how they are collected and retained, which laboratories receive the specimens, and what is done with the test results once they are received;

--The resources the coroner uses to collect and retain the specimens, including personnel, equipment, and materials; and

--If the coroner does not currently retain specimens using the process known as "flash freezing" or "snap freezing," the resources the coroner estimates would be needed to initiate and use this process in lieu of current specimen retention processes. (Flash freezing or snap freezing is the process by which samples are lowered to temperatures below 70 degrees Celsius very rapidly using dry ice or liquid nitrogen.³)

Laboratory surveys

The surveys the bill requires the Director of Health to submit to laboratories must seek all of the following information:⁴

--The number and type of postmortem genetic tests performed in each of the last five years;

--The laboratory's ability to increase the number of postmortem genetic tests performed annually;

--The laboratory's requirements for receiving specimens to be tested; and

--The laboratory's charges for testing.

² Section 1(B).

³ Biocision, LLC, *Protocol 1001: Snap-Freezing of Tissue Samples* (last visited November 16, 2015), available at <www.biocision.com/uploads/docs/BioCision_Snap_Freezing_Protocol.pdf>.

⁴ Section 1(C).

Advisory council

The Director of Health must establish an advisory council to assist the Director with designing and conducting the surveys described above, as well as preparing the report required by the bill. While the bill requires the advisory council's membership to be determined by the Director, it specifies that those members must include both of the following:⁵

--Medical professionals or researchers in Ohio 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"; and

--At least one coroner.

The advisory council must meet at the call of the Director. The Director may appoint from the council's members a chairperson. A majority of the members constitutes a quorum and a quorum is necessary for the council to make any recommendation to the Director.⁶ The bill specifies that all members serve without compensation, except to the extent that serving on the advisory council is considered part of a member's regular employment duties.⁷

The bill requires Ohio Department of Health staff to provide technical and administrative assistance to the council.⁸ The council ceases to exist on submission of the report the bill requires.⁹

Report

Not later than 90 days after the bill's effective date, the Director of Health and the advisory council must submit a report to the General Assembly. The report must summarize the information collected from the surveys and include recommendations for legislative and fiscal policies that would do both of the following:¹⁰

--Authorize the next of kin of a deceased person on whom an autopsy is performed because the person died suddenly and unexpectedly to request that blood or

⁵ Section 1(D)(1).

⁶ Section 1(D)(3).

⁷ Section 1(D)(2).

⁸ Section 1(D)(3).

⁹ Section 1(D)(4).

¹⁰ Section 1(E).



tissue specimens be collected during the autopsy, retained, and submitted for postmortem genetic testing paid for by the next of kin; and

--Require a coroner to collect, retain, and submit for postmortem genetic testing those specimens in a manner that meets requirements the laboratories identified in their completed surveys.

Definitions and background

Under the bill, a "coroner" includes a medical examiner.¹¹ (Cuyahoga and Summit counties are the only counties with an appointed medical examiner rather than an elected coroner.¹²) Law unchanged by the bill defines an autopsy as the external and internal examination of the body of a deceased person, including, but not limited to, all of the following:¹³

--The gross visual inspection and dissection of the body and its internal organs;

--The photographic or narrative documentation of findings;

--The microscopic, radiological, toxicological, chemical, or other laboratory analyses performed in the discretion of the examining individual upon tissues, organs, blood, other bodily fluids, gases, or any other specimens; and

--The retention, for diagnostic and documentary purposes, of tissues, organs, blood, other bodily fluids, gases, or any other specimens as the examining individual considers necessary to establish and defend against challenges to the cause and manner of death of the deceased person.

The bill does not define postmortem genetic testing. According to the National Society of Genetic Counselors, postmortem genetic testing is when a sample is collected from an individual after the individual's death. The goal of postmortem genetic testing is often to try to identify the cause of death. Genetic testing is a medical test that searches for alterations in chromosomes and genes. There are numerous genetic tests and choosing the appropriate test depends on the deceased's medical and family history.¹⁴

¹¹ Section 1(A)(2).

¹² Telephone interview with a representative of the Ohio State Coroners Association (November 16, 2015).

¹³ Section 1(A)(1), which references R.C. 313.123, not in the bill.

¹⁴ National Society of Genetic Counselors, *Postmortem Genetic Testing FAQs* (last visited November 16, 2015), available at <http://www.nsgc.org/postmortem>.

HISTORY

ACTION

DATE

Introduced

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