



## LIMITED LIABILITY PROTECTION

Ohio Revised Code Section 121 404 was repealed effective on July 3, 2012. This change was the result of Ohio EMA and the Ohio Department of Health(ODH) taking over management and administration of the Ohio Responds volunteer database from the Ohio Community Services Council.

Ohio Revised Code Sections 5502.281 and 3701.04 now take the place of Section 121.404 and have essentially the same language. These statutes require that the Ohio Department of Health (ODH) and the Ohio Emergency Management Agency (OEMA) jointly share the responsibilities of the statutes.

The limited liability protection for registered volunteers during an emergency declared by the state or political subdivision or in disaster-related exercises, testing or other training activities) remains the same.

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**ORC 3701.04 (B)** The director (of health), in accordance with Chapter 119 of the Revised Code, shall adopt rules jointly with the executive director of the emergency management agency to do both of the following, as required by section 5502.281 of the Revised Code:

- (1) Advise, assist, consult with and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training and deploying volunteers reasonably necessary to respond to an emergency declared by the state or a political subdivision;
- (2) Establish fees, procedures, standards and requirements necessary for recruiting, registering, training and deploying the volunteers.

**ORC 5502.281 (A)** The executive director of the emergency management agency, jointly with the director of health shall do both of the following:

- (1) Advise, assist, consult with, and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training, and deploying the types of volunteers reasonably necessary to respond to an emergency declared by the state or a political subdivision;
- (2) Establish fees, procedures, standards, and requirements necessary for recruiting, registering, training, and deploying the volunteers as required under this section.

...

(C) A volunteer registered under this section is not liable in damages to any person or government entity in tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim or veterinary claim, for injury, death, or loss to person or property that may arise from an act or omission of that volunteer. This division applies to a registered volunteer while providing services within the scope of the volunteer's responsibilities during an emergency declared by the state or political subdivision or in disaster-related exercises, testing, or other training activities, if the volunteer's act or omission does not constitute willful or wanton misconduct.

(D) As used in this section:

- (1) "Registered volunteer" means any individual registered as a volunteer pursuant to procedures established under this section and who serve without pay or other consideration, other than the reasonable reimbursement or allowance for expenses actually incurred or the provision of incidental benefits related to the volunteer's service, such as meals, lodging, and child care.
- (2) "Political subdivision" means a county, township, or municipal corporation in this state.