

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 543**

**Representative Miranda**

**Cosponsors: Representatives Galonski, Weinstein, Crossman, Sobecki, Russo,  
Clites**

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**A BILL**

To amend sections 2305.41, 2305.42, 2305.43, 1  
2305.44, 2305.45, 2305.48, and 2305.49 of the 2  
Revised Code regarding the Uniform Duties to 3  
Incapacitated Persons Act and identifying 4  
devices. 5

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

**Section 1.** That sections 2305.41, 2305.42, 2305.43, 6  
2305.44, 2305.45, 2305.48, and 2305.49 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 2305.41.** As used in sections 2305.41 to 2305.49 of 9  
the Revised Code: 10

(A) ~~"Disabled condition" means the condition of being 11  
unconscious, semiconscious, incoherent, or otherwise 12  
incapacitated to communicate. 13~~

~~(B) "Disabled person" means a person in a disabled 14  
condition. 15~~

~~(C) "Emergency medical service provider" means an 16~~

individual who holds a current, valid certificate issued under 17  
section 4765.30 of the Revised Code to practice as an emergency 18  
medical technician-basic, emergency medical technician- 19  
intermediate, emergency medical technician-paramedic, or first 20  
responder. 21

(B) "Emergency symbol" means the caduceus inscribed within 22  
a six-barred cross used by the American medical association to 23  
denote emergency information. 24

~~(D)~~ (C) "Identifying device" means an identifying 25  
bracelet, necklace, metal tag, chain, other piece of jewelry, or 26  
similar device ~~bearing~~ that meets either or both of the 27  
following: 28

(1) Bears the emergency symbol and the medical information 29  
needed in an emergency; 30

(2) Contains a bar code or quick response code that may be 31  
scanned to determine medical information needed in an emergency. 32

~~(E)~~ (D) "Identification card" means any card containing 33  
the holder's name, type of medical condition, physician's name, 34  
and other medical information. "Identification card" does not 35  
include any license or permit issued pursuant to Chapter 4507. 36  
of the Revised Code. 37

~~(F) "Medical practitioner"~~ (E) "Incapacitated condition" 38  
means the condition of being unconscious, semiconscious, 39  
incoherent, or otherwise incapacitated to communicate. 40

(F) "Incapacitated person" means a person in an 41  
incapacitated condition. 42

(G) "Physician" means an individual who holds a current 43  
valid certificate issued is authorized under Chapter 4731. of 44

the Revised Code ~~authorizing the to practice of~~ medicine and 45  
surgery or osteopathic medicine and surgery. 46

~~(G) "Paramedic" has the meaning given in section 4765.01~~ 47  
~~of the Revised Code.~~ 48

**Sec. 2305.42.** (A) A person who suffers from epilepsy, 49  
diabetes, a cardiac condition, or any other type of illness that 50  
causes temporary blackouts, semiconscious periods, or complete 51  
unconsciousness, or who suffers from a condition requiring 52  
specific medication or medical treatment, is allergic to certain 53  
medications or items used in medical treatment, wears contact 54  
lenses, has religious objections to certain forms of medication 55  
or medical treatment, or is unable to communicate coherently or 56  
effectively in the English language, is authorized and 57  
encouraged to wear an identifying device. 58

(B) Any person may carry an identification card. 59

(C) By wearing an identifying device a person gives ~~his~~ 60  
consent for any emergency medical service provider, law 61  
enforcement officer, ~~or medical practitioner~~ physician who finds 62  
~~him the person in a disabled~~ an incapacitated condition to ~~make~~ 63  
do either or both of the following: 64

(1) Make a reasonable search of ~~his~~ the person's clothing 65  
or other effects for an identification card; 66

(2) Scan the person's identifying device, if it contains a 67  
bar code or quick response code. 68

**Sec. 2305.43.** (A) A law enforcement officer shall make a 69  
diligent effort to determine whether any ~~disabled~~ incapacitated 70  
person ~~he~~ the officer finds is an epileptic or a diabetic, or 71  
suffers from some other type of illness that would cause the 72  
condition. Whenever feasible, this effort shall be made before 73

the person is charged with a crime or taken to a place of 74  
detention. 75

(B) In seeking to determine whether ~~a disabled an~~ 76  
incapacitated person suffers from an illness, a law enforcement 77  
officer may make a reasonable search for an identifying device 78  
and ~~an~~ identification card and, if found, may scan or examine 79  
them for emergency information. The law enforcement officer may 80  
not search for an identifying device or ~~an~~ identification card 81  
in a manner or to an extent that would appear to a reasonable 82  
person in the circumstances to cause an unreasonable risk of 83  
worsening the ~~disabled~~ incapacitated person's condition. 84

(C) A law enforcement officer who finds ~~a disabled an~~ 85  
incapacitated person without an identifying device or 86  
identification card is not relieved of ~~his the~~ duty to that 87  
person to make a diligent effort to ascertain the existence of 88  
any illness causing the ~~disabled~~ incapacitated condition. 89

(D) A cause of action against a law enforcement officer 90  
does not arise from ~~his the officer's~~ making a reasonable search 91  
of the ~~disabled~~ incapacitated person to locate an identifying 92  
device or identification card, even though the person is not 93  
wearing an identifying device or carrying an identification 94  
card. 95

(E) A law enforcement officer who determines or has reason 96  
to believe that ~~a disabled an~~ incapacitated person is suffering 97  
from an illness causing ~~his the~~ person's condition shall 98  
promptly notify the person's physician, if practicable. If the 99  
officer is unable to ascertain the physician's identity or to 100  
communicate with ~~him~~ the physician, the officer shall make a 101  
reasonable effort to cause the ~~disabled~~ incapacitated person to 102  
be transported immediately to a ~~medical practitioner~~ physician 103

or ~~to a~~ facility where medical treatment is available. If the 104  
officer believes it unduly dangerous to move the ~~disabled-~~ 105  
incapacitated person, he the officer shall make a reasonable 106  
effort to obtain the assistance of ~~a medical practitioner~~ an 107  
emergency medical service provider or physician. 108

**Sec. 2305.44.** (A) ~~A medical practitioner or a trained-~~ 109  
~~paramedic, in discharging his duty to a disabled person whom he-~~ 110  
~~has undertaken to examine or treat~~ When examining or treating an 111  
incapacitated person, an emergency medical service provider or 112  
physician shall make a reasonable search for an identifying 113  
device or identification card and, if found, shall scan or 114  
examine them for emergency information. 115

(B) A cause of action against ~~a medical practitioner or a-~~ 116  
~~trained paramedic~~ an emergency medical service provider or 117  
physician does not arise from ~~his~~ making a reasonable search of 118  
~~a disabled~~ an incapacitated person to locate an identifying 119  
device or identification card, even though the person is not 120  
wearing an identifying device or carrying an identification 121  
card. 122

**Sec. 2305.45.** (A) A person, other than ~~a~~ an emergency 123  
medical service provider, law enforcement officer, ~~medical-~~ 124  
~~practitioner or physician, or a trained paramedic,~~ who finds ~~a-~~ 125  
~~disabled~~ an incapacitated person shall make a reasonable effort 126  
to notify ~~a~~ an emergency medical service provider, law 127  
enforcement officer, ~~or medical practitioner~~ physician. If ~~a~~ an 128  
emergency medical service provider, law enforcement officer, ~~or~~ 129  
~~medical practitioner~~ physician is not present, a person who 130  
finds ~~a disabled~~ an incapacitated person may do either or both 131  
of the following: 132

(1) Make a reasonable search for an identifying device; 133

(2) If the identifying device is found, ~~make do either or~~ 134  
both of the following: 135

(a) Scan the identifying device, if it contains a bar code 136  
or quick response code; 137

(b) Make a reasonable search for an identification card. 138

If a device or card is located, the person making the 139  
search shall attempt promptly to bring the device or card and 140  
its contents to the attention of ~~a~~an emergency medical service 141  
provider, law enforcement officer, or medical practitioner- 142  
physician. 143

(B) A cause of action does not arise from a reasonable 144  
search to locate an identifying device or identification card as 145  
authorized by division (A) of this section. 146

**Sec. 2305.48.** Sections 2305.41 to 2305.49 of the Revised 147  
Code shall be so applied and construed as to effectuate its 148  
general purpose to make uniform among the states the law with 149  
respect to duties to ~~disabled~~incapacitated persons. 150

**Sec. 2305.49.** Sections 2305.41 to 2305.49 of the Revised 151  
Code may be cited as the "~~uniform duties to disabled persons-~~ 152  
~~act~~Uniform Duties to Incapacitated Persons Act." 153

**Section 2.** That existing sections 2305.41, 2305.42, 154  
2305.43, 2305.44, 2305.45, 2305.48, and 2305.49 of the Revised 155  
Code are hereby repealed. 156