

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 50**

**Representative Miranda**

**Cosponsors: Representatives Lepore-Hagan, Sobecki, Miller, J., Miller, A.,  
Weinstein, Carruthers, Kelly, Troy, Russo, Boggs, Lightbody, West, Blackshear,  
Brent, Davis, Denson, Galonski, Ingram, Jarrells, Leland, Liston, O'Brien**

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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 to revise the law governing medical 3  
identifying devices and to name this act Paige's 4  
Law. 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) "Certified nurse practitioner," "clinical nurse 16~~

specialist," and "registered nurse" have the same meanings as in 17  
section 4723.01 of the Revised Code. 18

(B) "Emergency medical service provider" means an 19  
individual who holds a current, valid certificate issued under 20  
section 4765.30 of the Revised Code to practice as an emergency 21  
medical technician-basic, emergency medical technician- 22  
intermediate, emergency medical technician-paramedic, or first 23  
responder. 24

(C) "Emergency symbol" means the caduceus inscribed within 25  
a six-barred cross used by the American medical association to 26  
denote emergency information. 27

(D) "Health care practitioner" means a physician, 28  
physician assistant, certified nurse practitioner, clinical 29  
nurse specialist, or registered nurse. 30

(E) "Identifying device" means an identifying bracelet, 31  
necklace, metal tag, chain, other piece of jewelry, or similar 32  
device bearing that meets either or both of the following: 33

(1) Bears the emergency symbol and the medical information 34  
needed in an emergency; 35

(2) Contains on its front or back side a bar code or quick 36  
response code that may be scanned to determine medical 37  
information needed in an emergency. 38

~~(E)~~ (F) "Identification card" means any card containing 39  
the holder's name, type of medical condition, physician's name, 40  
and other medical information. "Identification card" does not 41  
include any license or permit issued pursuant to Chapter 4507. 42  
of the Revised Code. 43

~~(F)~~ "Medical practitioner" ~~(G)~~ "Incapacitated condition" 44

means the condition of being unconscious, semiconscious, 45  
incoherent, or otherwise incapacitated to communicate. 46

(H) "Incapacitated person" means a person in an 47  
incapacitated condition. 48

(I) "Physician" means an individual authorized under 49  
Chapter 4731. of the Revised Code to practice medicine and 50  
surgery or osteopathic medicine and surgery. 51

~~(G) "Paramedic" has the meaning given in section 4765.01~~ 52

(J) "Physician assistant" means an individual licensed under 53  
Chapter 4730. of the Revised Code to practice as a physician 54  
assistant. 55

**Sec. 2305.42.** (A) A person who suffers from epilepsy, 56  
diabetes, a cardiac condition, or any other type of illness, 57  
whether physical or mental, that causes temporary blackouts, 58  
semiconscious periods, or complete unconsciousness, or who 59  
suffers from a condition requiring specific medication or 60  
medical treatment, is allergic to certain medications or items 61  
used in medical treatment, wears contact lenses, has religious 62  
objections to certain forms of medication or medical treatment, 63  
or is unable to communicate coherently or effectively in the 64  
English language, is authorized and encouraged to wear an 65  
identifying device. 66

(B) Any person may carry an identification card. 67

(C) By wearing an identifying device, a person gives ~~his~~ 68  
consent for any emergency medical service provider, health care 69  
practitioner, or law enforcement officer ~~or medical practitioner~~ 70  
who finds ~~him~~ the person in a disabled-an incapacitated 71  
condition to ~~make~~ do either or both of the following: 72

(1) Make a reasonable search of his ~~the person's~~ clothing 73

or other effects for an identification card; 74

(2) Scan the person's identifying device, if it contains a 75  
bar code or quick response code. 76

**Sec. 2305.43.** (A) A law enforcement officer shall make a 77  
diligent effort to determine whether any ~~disabled-incapacitated~~ 78  
person ~~he the officer finds is an epileptic or a diabetic, or~~ 79  
suffers from ~~some other type of a~~ physical or mental illness 80  
that would cause the incapacitated condition. Whenever feasible, 81  
this effort shall be made before the person is charged with a 82  
crime or taken to a place of detention. 83

(B) In seeking to determine whether ~~a disabled-an~~ 84  
incapacitated person suffers from an illness, a law enforcement 85  
officer may make a prompt and reasonable search for an 86  
identifying device and ~~an identification card and examine them~~ 87  
~~for emergency information.~~ The law enforcement officer may not 88  
search for an identifying device or ~~an identification card~~ in a 89  
manner or to an extent that would appear to a reasonable person 90  
in the circumstances to cause an unreasonable risk of worsening 91  
the ~~disabled-incapacitated~~ person's condition. 92

If an identifying device or identification card is found, 93  
the law enforcement officer may scan or examine it for emergency 94  
information. In doing so, the law enforcement officer may 95  
inspect both sides of the device or card. 96

(C) A law enforcement officer who finds ~~a disabled-an~~ 97  
incapacitated person without an identifying device or 98  
identification card is not relieved of ~~his the~~ duty to that 99  
person to make a diligent effort to ascertain the existence of 100  
any illness causing the ~~disabled-incapacitated~~ condition. 101

(D) A cause of action against a law enforcement officer 102

does not arise from ~~his~~ the officer's making a reasonable search 103  
of the ~~disabled-incapacitated~~ person to locate an identifying 104  
device or identification card, even though the person is not 105  
wearing an identifying device or carrying an identification 106  
card. 107

(E) A law enforcement officer who determines or has reason 108  
to believe that ~~a disabled-an incapacitated~~ person is suffering 109  
from an illness causing ~~his~~ the person's condition shall 110  
promptly notify the person's physician, if practicable. If the 111  
officer is unable to ascertain the physician's identity or to 112  
communicate with ~~him~~ the physician, the officer shall make a 113  
reasonable effort to cause the ~~disabled-incapacitated~~ person to 114  
be transported immediately to a ~~medical-health~~ care practitioner 115  
or ~~to a~~ facility where medical treatment is available. If the 116  
officer believes it unduly dangerous to move the ~~disabled-~~ 117  
incapacitated person, ~~he~~ the officer shall make a reasonable 118  
effort to obtain the assistance of ~~a medical-~~ an emergency 119  
medical service provider or health care practitioner. 120

**Sec. 2305.44.** (A) ~~A medical practitioner or a trained-~~ 121  
~~paramedic, in discharging his duty to a disabled person whom he-~~ 122  
~~has undertaken to examine or treat, shall-~~ When examining or 123  
treating an incapacitated person, an emergency medical service 124  
provider or health care practitioner may make a prompt and 125  
reasonable search for an identifying device or identification 126  
card ~~and~~. If found, the emergency medical service provider or 127  
health care practitioner may scan or examine them-it for 128  
emergency information, including by inspecting both sides of the 129  
identifying device or identification card. 130

(B) A cause of action against ~~a medical practitioner or a-~~ 131  
~~trained paramedic-~~ an emergency medical service provider or 132

health care practitioner does not arise from ~~his~~ making a 133  
reasonable search of ~~a disabled~~ an incapacitated person to 134  
locate an identifying device or identification card, even though 135  
the person is not wearing an identifying device or carrying an 136  
identification card. 137

**Sec. 2305.45.** (A) A person, other than ~~a~~ an emergency 138  
medical service provider, health care practitioner, or law 139  
enforcement officer, ~~medical practitioner, or a trained~~ 140  
~~paramedic,~~ who finds ~~a disabled~~ an incapacitated person shall 141  
make a reasonable effort to notify ~~a~~ an emergency medical 142  
service provider, health care practitioner, or law enforcement 143  
officer ~~or medical practitioner~~. If ~~a~~ an emergency medical 144  
service provider, health care practitioner, or law enforcement 145  
officer ~~or medical practitioner~~ is not present, a person who 146  
finds ~~a disabled~~ an incapacitated person may do either or both 147  
of the following: 148

(1) Make a reasonable search for an identifying device; 149

(2) If the identifying device is found, ~~make~~ do all of the 150  
following: 151

(a) Inspect both sides of the identifying device; 152

(b) Scan the identifying device, if it contains a bar code 153  
or quick response code; 154

(c) Make a reasonable search for an identification card 155  
and, if found, inspect both sides of the card. 156

If a device or card is located, the person making the 157  
search shall attempt promptly to bring the device or card and 158  
its contents to the attention of ~~a~~ an emergency medical service 159  
provider, health care practitioner, or law enforcement officer 160  
~~or medical practitioner~~. 161

(B) A cause of action does not arise from a reasonable 162  
search to locate an identifying device or identification card as 163  
authorized by division (A) of this section. 164

**Sec. 2305.48.** Sections 2305.41 to 2305.49 of the Revised 165  
Code shall be so applied and construed as to effectuate its 166  
general purpose to make uniform among the states the law with 167  
respect to duties to ~~disabled~~incapacitated persons. 168

**Sec. 2305.49.** Sections 2305.41 to 2305.49 of the Revised 169  
Code may be cited as the "~~uniform duties to disabled persons~~  
actUniform Duties to Incapacitated Persons Act." 170  
171

**Section 2.** That existing sections 2305.41, 2305.42, 172  
2305.43, 2305.44, 2305.45, 2305.48, and 2305.49 of the Revised 173  
Code are hereby repealed. 174

**Section 3.** This act shall be known as Paige's Law. 175