

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 36**

**Representative Miranda**

**Cosponsors: Representatives Russo, Seitz, Baker, Brennan, Brown, McNally,  
Miller, J., Upchurch, Weinstein**

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

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

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

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

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 who finds an 77  
incapacitated person shall make a diligent effort to determine 78  
whether ~~any disabled the person the officer finds is an~~ 79  
~~epileptic or a diabetic, or has some other type of a physical or~~ 80  
mental illness that would cause the incapacitated condition. 81  
Whenever feasible, this effort shall be made before the person 82  
is charged with a crime or taken to a place of detention. 83

(B) In seeking to determine whether ~~a disabled an~~ 84  
incapacitated person has an illness, a law enforcement officer 85  
may make a prompt and reasonable search for an identifying 86  
device and ~~an identification card and examine them for emergency~~ 87  
~~information~~. The law enforcement officer may not search for an 88  
identifying device or ~~an identification card~~ in a manner or to 89  
an extent that would appear to a reasonable person in the 90  
circumstances to cause an unreasonable risk of worsening the 91  
~~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 the duty to that person 99  
to make a diligent effort to ascertain the existence of any 100  
illness causing the ~~disabled~~ incapacitated condition. 101

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

does not arise from the officer making a reasonable search of 103  
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 has an 109  
illness causing the person's condition shall promptly notify the 110  
person's physician, if practicable. If the officer is unable to 111  
ascertain the physician's identity or to communicate with the 112  
physician, the officer shall make a reasonable effort to cause 113  
the ~~disabled-incapacitated~~ person to be transported immediately 114  
to a ~~medical-health care~~ practitioner or ~~to a~~ facility where 115  
medical treatment is available. If the officer believes it 116  
unduly dangerous to move the ~~disabled-incapacitated~~ person, the 117  
officer shall make a reasonable effort to obtain the assistance 118  
of ~~a medical-an emergency medical service provider or health~~ 119  
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