

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 50

Representative Miranda

**Cosponsors: Representatives Lepore-Hagan, Sobecki, Miller, J., Miller, A.,
Weinstein, Carruthers, Kelly, Troy, Russo, Boggs**

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) "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 on its front or back side a bar code or quick 31
response code that may be scanned to determine medical 32
information needed in an emergency. 33

~~(E)~~ (D) "Identification card" means any card containing 34
the holder's name, type of medical condition, physician's name, 35
and other medical information. "Identification card" does not 36
include any license or permit issued pursuant to Chapter 4507. 37
of the Revised Code. 38

~~(F) "Medical practitioner"~~ (E) "Incapacitated condition" 39
means the condition of being unconscious, semiconscious, 40
incoherent, or otherwise incapacitated to communicate. 41

(F) "Incapacitated person" means a person in an 42
incapacitated condition. 43

(G) "Physician" means an individual who ~~holds a current~~ 44

~~valid certificate issued is authorized~~ under Chapter 4731. of 45
the Revised Code ~~authorizing the to practice of~~ medicine and 46
surgery or osteopathic medicine and surgery. 47

~~(G) "Paramedic" has the meaning given in section 4765.01~~ 48
~~of the Revised Code.~~ 49

Sec. 2305.42. (A) A person who suffers from epilepsy, 50
diabetes, a cardiac condition, or any other type of illness 51
whether physical or mental, that causes temporary blackouts, 52
semiconscious periods, or complete unconsciousness, or who 53
suffers from a condition requiring specific medication or 54
medical treatment, is allergic to certain medications or items 55
used in medical treatment, wears contact lenses, has religious 56
objections to certain forms of medication or medical treatment, 57
or is unable to communicate coherently or effectively in the 58
English language, is authorized and encouraged to wear an 59
identifying device. 60

(B) Any person may carry an identification card. 61

(C) By wearing an identifying device a person gives ~~his~~ 62
consent for any emergency medical service provider, law 63
enforcement officer, or medical practitioner physician who finds 64
~~him the person in a disabled an incapacitated~~ condition to ~~make~~ 65
do either or both of the following: 66

(1) Make a reasonable search of his the person's clothing 67
or other effects for an identification card; 68

(2) Scan the person's identifying device, if it contains a 69
bar code or quick response code. 70

Sec. 2305.43. (A) A law enforcement officer shall make a 71
diligent effort to determine whether any ~~disabled incapacitated~~ 72
person ~~he the officer finds is an epileptic or a diabetic, or~~ 73

suffers from ~~some other type of a physical or mental~~ illness 74
that would cause the incapacitated condition. Whenever feasible, 75
this effort shall be made before the person is charged with a 76
crime or taken to a place of detention. 77

(B) In seeking to determine whether ~~a disabled an~~ 78
incapacitated person suffers from an illness, a law enforcement 79
officer may make a reasonable search for an identifying device 80
and ~~an identification card and examine them for emergency~~ 81
~~information~~. The law enforcement officer may not search for an 82
identifying device or ~~an~~ identification card in a manner or to 83
an extent that would appear to a reasonable person in the 84
circumstances to cause an unreasonable risk of worsening the 85
~~disabled~~ incapacitated person's condition. 86

If an identifying device or identification card is found, 87
the law enforcement officer shall scan or examine it for 88
emergency information. In doing so, the law enforcement officer 89
shall inspect both sides of the device or card. 90

(C) A law enforcement officer who finds ~~a disabled an~~ 91
incapacitated person without an identifying device or 92
identification card is not relieved of ~~his the~~ duty to that 93
person to make a diligent effort to ascertain the existence of 94
any illness causing the ~~disabled~~ incapacitated condition. 95

(D) A cause of action against a law enforcement officer 96
does not arise from ~~his the officer's~~ making a reasonable search 97
of the ~~disabled~~ incapacitated person to locate an identifying 98
device or identification card, even though the person is not 99
wearing an identifying device or carrying an identification 100
card. 101

(E) A law enforcement officer who determines or has reason 102

to believe that ~~a disabled~~ an incapacitated person is suffering 103
from an illness causing ~~his~~ the person's condition shall 104
promptly notify the person's physician, if practicable. If the 105
officer is unable to ascertain the physician's identity or to 106
communicate with ~~him~~ the physician, the officer shall make a 107
reasonable effort to cause the ~~disabled~~ incapacitated person to 108
be transported immediately to a ~~medical practitioner~~ physician 109
or ~~to a~~ facility where medical treatment is available. If the 110
officer believes it unduly dangerous to move the ~~disabled~~ 111
incapacitated person, ~~he~~ the officer shall make a reasonable 112
effort to obtain the assistance of ~~a medical practitioner~~ an 113
emergency medical service provider or physician. 114

Sec. 2305.44. (A) ~~A medical practitioner or a trained~~ 115
~~paramedic, in discharging his duty to a disabled person whom he~~ 116
~~has undertaken to examine or treat.~~ When examining or treating an 117
incapacitated person, an emergency medical service provider or 118
physician shall make a reasonable search for an identifying 119
device or identification card ~~and~~. If found, the emergency 120
medical service provider or physician shall scan or examine them 121
for emergency information, including by inspecting both sides of 122
the identifying device or identification card. 123

(B) A cause of action against ~~a medical practitioner or a~~ 124
~~trained paramedic~~ an emergency medical service provider or 125
physician does not arise from ~~his~~ making a reasonable search of 126
~~a disabled~~ an incapacitated person to locate an identifying 127
device or identification card, even though the person is not 128
wearing an identifying device or carrying an identification 129
card. 130

Sec. 2305.45. (A) A person, other than ~~a~~ an emergency 131
medical service provider, law enforcement officer, medical 132

~~practitioner or physician, or a trained paramedic,~~ who finds a ~~disabled~~ an incapacitated person shall make a reasonable effort to notify ~~a~~ an emergency medical service provider, law enforcement officer, ~~or medical practitioner~~ physician. If ~~a~~ an emergency medical service provider, law enforcement officer, ~~or medical practitioner~~ physician is not present, a person who finds ~~a disabled~~ an incapacitated person may do either or both of the following:

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

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

(a) Inspect both sides of the identifying device;

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

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

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

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

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

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

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

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