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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**

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~~ 170
~~act~~ Uniform Duties to Incapacitated Persons Act." 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