

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**

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
section 4723.01 of the Revised Code.

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

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

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

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

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

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

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

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

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~~ 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