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# OHIO LEGISLATIVE SERVICE COMMISSION

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**H.B. 36**  
**135<sup>th</sup> General Assembly**

## Bill Analysis

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**Version:** As Introduced

**Primary Sponsor:** Rep. Miranda

Elizabeth Molnar, Attorney

### SUMMARY

- Modifies the law governing the use of medical identifying devices, including by recognizing devices containing bar or quick response codes that may be scanned to obtain medical information in an emergency.
- Names the act "Paige's Law."

### DETAILED ANALYSIS

#### Uniform Duties to Incapacitated Persons Act

In 1976, the General Assembly enacted the Uniform Duties to Disabled Persons Act, which authorizes and encourages those with certain medical conditions to wear medical identifying devices and carry identification cards.<sup>1</sup> The law also allows or requires law enforcement officers, paramedics, medical practitioners (defined to include only physicians), and other persons to search for these devices and cards under certain circumstances.

H.B. 36 maintains this law, renamed the Uniform Duties to Incapacitated Persons Act, but makes several revisions to it, including by (1) recognizing identifying devices that contain bar or quick response codes and (2) authorizing these devices to be scanned in certain circumstances to determine the wearer's medical information.

#### Identifying device and identification card

Current law defines an identifying device as an identifying bracelet, necklace, metal tag, or other similar device bearing the emergency symbol and information needed in an emergency. The bill expands this definition in two ways. First, it adds chains or other pieces of jewelry to the definition. And second, it specifies that an identifying device may contain – on its front or back –

<sup>1</sup> R.C. 2305.41 to 2305.49.

a bar code or quick response code that may be scanned to determine medical information needed in an emergency.<sup>2</sup>

Existing law maintained by the bill specifies that, by wearing an identifying device, a person gives his or her consent for any law enforcement officer or medical practitioner who finds the person in a disabled condition to make a reasonable search of the person's clothing or other effects for an identification card.<sup>3</sup> It defines a card as one containing the holder's name, type of medical condition, physician's name, and other medical information.<sup>4</sup> Current law does not, however, extend this consent to paramedics.

Existing law also authorizes a law enforcement officer and a person other than a law enforcement officer or medical practitioner to search for a disabled person's identifying device and if found, make a reasonable search for an identification card. It further requires a trained paramedic and medical practitioner, when examining or treating a disabled person, to (1) search for a device and if found, make a reasonable search for an identification card and (2) examine the device or card for emergency information.<sup>5</sup>

### **Authority to scan an identifying device**

The bill specifically authorizes both of the following to scan an identifying device containing a bar or quick response code:

- A law enforcement officer when he or she finds an incapacitated person;
- A person other than an emergency medical service provider, health care practitioner, or law enforcement officer when that person finds an incapacitated person and an emergency medical service provider, health care practitioner, or law enforcement officer is not present.<sup>6</sup>

The bill also authorizes, rather than requires as under current law, an emergency medical service provider or health care practitioner, when examining or treating an incapacitated person, to make a prompt and reasonable search for an identifying device or identification card and scan or examine the person's identifying device or card if one is found.<sup>7</sup>

Additionally, the bill extends to emergency medical service providers as well as registered nurses, certified nurse practitioners, clinical nurse specialists, and physician assistants the consent to search for a device or identification card and scan a device that a person gives by wearing such a device.<sup>8</sup>

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<sup>2</sup> R.C. 2305.41(C).

<sup>3</sup> R.C. 2305.42(C).

<sup>4</sup> R.C. 2305.41(D).

<sup>5</sup> R.C. 2305.43, 2305.44, and 2305.45.

<sup>6</sup> R.C. 2305.43(B) and 2305.45(A).

<sup>7</sup> R.C. 2305.44(A).

<sup>8</sup> R.C. 2305.42(C).

Lastly, if an identifying device or card is found, the bill authorizes the law enforcement officer, emergency medical service provider, health care practitioner, or other person to inspect both sides of the device or card.<sup>9</sup>

### **Prompt and reasonable search**

Wherever current law refers to a reasonable search for an identifying device or identification card made by a law enforcement officer, medical practitioner, or paramedic, the bill instead refers to a prompt and reasonable search.<sup>10</sup>

### **Incapacitated condition and person**

The law regarding the use of and search for a person's medical identifying device refers to a ***disabled condition***, defined to mean the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate, and a ***disabled person***, or a person in a disabled condition. While the bill eliminates these terms and replaces them with ***incapacitated condition*** and ***incapacitated person***, the meanings remain the same.<sup>11</sup>

### **Emergency medical service provider**

The bill eliminates references to ***paramedics*** and replaces them with references to ***emergency medical service providers***. Current Ohio law recognizes three types of emergency medical service technicians (EMTs), one of which is a paramedic (EMT-paramedic), as well as first responders. By replacing the reference, the bill's provisions apply to EMTs-basic, EMTs-intermediate, EMTs-paramedic, and first responders.<sup>12</sup>

### **Health care practitioner**

The bill replaces the definition of a ***medical practitioner***, defined under existing law to mean only a medical or osteopathic physician, with ***health care practitioner***, which means a medical or osteopathic physician, physician assistant, registered nurse, certified nurse practitioner, and clinical nurse specialist. The bill then replaces references to a medical practitioner found throughout the Uniform Duties to Incapacitated Persons Act with references to a health care practitioner.<sup>13</sup>

### **Physical and mental illness**

Where current law refers to a medical illness that may result in an individual becoming unconscious, semiconscious, incoherent, or otherwise incapacitated, the bill specifies that the illness may be either physical or mental.<sup>14</sup>

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<sup>9</sup> R.C. 2305.43(B), 2305.44(A), and 2305.45(A).

<sup>10</sup> R.C. 2305.43 and 2305.44.

<sup>11</sup> R.C. 2305.41(A), (B), (E), and (F).

<sup>12</sup> R.C. 2304.44.

<sup>13</sup> R.C. 2305.41.

<sup>14</sup> R.C. 2305.42(A) and 2305.43(A).

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## HISTORY

Action	Date
Introduced	02-15-23

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