

CHAPTER 23-28

UNIFORM DUTIES TO DISABLED PERSONS

23-28-01. Definitions.

In this chapter:

1. "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate.
2. "Disabled person" means a person in a disabled condition.
3. "The emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information.
4. "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency.
5. "Medical practitioner" means a person licensed or authorized to practice medicine.

23-28-02. Identifying devices for persons having certain conditions.

1. A person who suffers from epilepsy, diabetes, a cardiac condition, or any other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.
2. Any person may carry an identification card bearing that person's name, type of medical condition, physician's name, and other medical information.
3. By wearing an identifying device a person gives that person's consent for any law enforcement officer or medical practitioner who finds that person in a disabled condition to make a reasonable search of that person's clothing or other effects for an identification card of the type described in subsection 2.

23-28-03. Duty of law enforcement officer.

1. A law enforcement officer shall make a diligent effort to determine whether any disabled person the officer finds is an epileptic or a diabetic, or suffers from some other type of illness that would cause the condition. Whenever feasible, this effort must be made before the person is charged with a crime or taken to a place of detention.
2. In seeking to determine whether a disabled person suffers from an illness, a law enforcement officer shall make a reasonable search for an identifying device and an identification card of the type described in subsection 2 of section 23-28-02 and examine them for emergency information. The law enforcement officer may not search for an identifying device or an identification card in a manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the disabled person's condition.
3. A law enforcement officer who finds a disabled person without an identifying device or identification card is not relieved of the officer's duty to that person to make a diligent effort to ascertain the existence of any illness causing the disabled condition.
4. A claim for relief against a law enforcement officer does not arise from the officer making a reasonable search of the disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.
5. A law enforcement officer who determines or has reason to believe that a disabled person is suffering from an illness causing the disabled person's condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with the physician, the officer shall make a reasonable effort to cause the disabled person to be transported immediately to a medical practitioner or to a facility where medical treatment is available. If the officer believes it unduly dangerous to move the disabled person, the officer shall make a reasonable effort to obtain the assistance of a medical practitioner.

23-28-04. Duty of medical practitioner.

1. A medical practitioner, in discharging the medical practitioner's duty to a disabled person whom the medical practitioner has undertaken to examine or treat, shall make a reasonable search for an identifying device or identification card of the type described in subsection 2 of section 23-28-02 and examine them for emergency information.
2. A claim for relief against a medical practitioner does not arise from the practitioner making a reasonable search of a disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

23-28-05. Duty of others.

1. A person, other than a law enforcement officer or medical practitioner, who finds a disabled person shall make a reasonable effort to notify a law enforcement officer. If a law enforcement officer or medical practitioner is not present, a person who finds a disabled person may make a reasonable search for an identifying device, and if the identifying device is found may make a reasonable search for an identification card of the type described in subsection 2 of section 23-28-02. If a device or card is located, the person making the search shall attempt promptly to bring its contents to the attention of a law enforcement officer or medical practitioner.
2. A claim for relief does not arise from a reasonable search to locate an identifying device or identification card as authorized by subsection 1.

23-28-06. Falsifying identification or misrepresenting condition - Penalty.

A person who, with intent to deceive, provides, wears, uses, or possesses a false identifying device or identification card of the type described in subsection 2 of section 23-28-02 is guilty of a class B misdemeanor.

23-28-07. Other duties.

The duties imposed by this chapter are in addition to, and not in limitation of, other duties existing under the law of this state.

23-28-08. Uniformity of application and construction.

This chapter must be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

23-28-09. Short title.

This chapter may be cited as the Uniform Duties to Disabled Persons Act.