

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S 155 Name of Bill: Medical Records, Drones and Automated License Plate Readers

Agency/Dept: DEMHS/DPS Author of Bill Christopher Herrick
Review: _____

Date of Bill Review: 1/14/16 Related Bills and Key Players: _____

Status of Bill: (check one)

☒ X

☐ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☒ x ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

Summary of bill and issue it addresses.

As introduced this bill proposes a number of measures intended to enhance privacy protection. The bill includes the following provisions:

- The bill proposes to establish a private right of action for a person whose protected health care information is improperly disclosed.
- The bill proposes to establish regulations for the use of drones, also known as unmanned aerial vehicles. The bill proposes to permit a law enforcement agency to use a drone only if the agency obtains a warrant or if emergency circumstances exist.
- The bill proposes to restrict the use of automated license plate recognition (ALPR) systems, to address the confidentiality of data captured by ALPR systems, and to limit such data from being retained for more than 18 months unless certain exceptions apply.

This review does not cover the sections on protected healthcare information, law enforcement use of drones or automated license plate recognition systems. I am only addressing section 4624.

1. Is there a need for this bill? There is a need to ensure that legislation doesn't prohibit useful, non-law enforcement, purposes of deploying UAV technology. By the fact the bill is silent to other non-law enforcement uses and with the only restriction to the use of drones for non-LE agencies is that they comply with existing federal regulations it appears to have no negative impacts.
2. What are likely to be the fiscal and programmatic implications of this bill for this Department?
No significant impact.

3. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? Unknown
4. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? Unknown but don't anticipate a large impact
5. Other Stakeholders:
 - 5.1 Who else is likely to support the proposal and why?
It is likely that the bill will see support from VTRANS, which has various uses including damage assessment during storms and disasters, DEC for river management surveys and UVM Geospatial Laboratory (who uses UAV's now).
 - 6.2 Who else is likely to oppose the proposal and why? Unknown. There will likely be opposition from the ACLSU and other privacy advocates.
6. Rationale for recommendation: DEMHS may want to utilize UAVs in the future for damage assessment and this bill seemingly does nothing to restrict our ability to use them.
7. Specific modifications that would be needed to recommend support of this bill: As far as the non-LE portion of the bill is concerned there are no modifications recommended.
9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? NO

Secretary/Commissioner has reviewed this document



Date: 2/1/16