



# Oregon

Kate Brown, Governor

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**DATE:** March 25, 2019

**TO:** Joint Committee on Transportation

**FROM:** Amy Joyce, Legislative Liaison

**SUBJECT:** HB 2915, Yellow Dot Program

## **INTRODUCTION**

House Bill 2915 would establish a program for Oregonians to self-identify their medical conditions via materials in their vehicle. The Oregon Department of Transportation would provide those materials from its Transportation Safety Division. The cost for the work and materials is not an eligible use of Highway Funds.

## **DISCUSSION**

HB 2915 directs the Department to establish a Yellow Dot Program. As described in the bill, the idea is to provide materials that Oregonians could choose to use. The materials would be a sticker to place on the rear window of a vehicle, and a medical information form to place in the glove compartment. The sticker acts to alert emergency responders that an occupant may have important medical information in the vehicle that the responders could use to administer the most appropriate care. The medical form would have room for the person to indicate identifying information (including a photograph), medical conditions, medications, emergency contacts, and more.

The bill directs the Department to make Yellow Dot packets available to Oregonians who choose to participate. The Department is to design and produce the packets, and adopt implementing rules including to ensure emergency personnel comply with HIPAA (the federal Health Insurance Portability and Accountability Act). The bill specifies that emergency personnel who see a Yellow Dot on a vehicle may look in the glove compartment for the medical information and use that information in particular ways. The bill limits how anything "subject to forfeiture" found in the glove compartment can be used in court, and exempts the information found through the Yellow Dot rule from public records disclosure. The bill also provides civil and criminal immunity to anyone who, in good faith, submits or uses information under the program.

The Department understands the bill to require the provision of materials that an Oregonian may choose to obtain and subsequently use. The Department does not understand the bill to require (or even allow) receiving medical or other information from individuals, or to maintain a database of the individuals who choose to engage in the program.

The Yellow Dot Program is not a qualifying use of constitutionally dedicated Highway Funds. Therefore, another funding source would need to be identified to produce and distribute the materials and perform the other agency responsibilities under the bill.

**SUMMARY**

HB 2915 would establish the Yellow Dot Program. The Department would design, produce, and make available packets for Oregonians who choose to participate, and adopt administrative rules as directed in the bill. The Department would not track participants, and would receive no information from them. Highway Funds are not available for this work.