HOUSE DOCKET, NO. 75 FILED ON: 1/7/2021

HOUSE . . . . . No. 3537

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph D. McKenna

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing an emergency responder yellow dot program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Joseph D. McKenna	*18th Worcester*	*1/7/2021*

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HOUSE . . . . . No. 3537

By Mr. McKenna of Webster, a petition (accompanied by bill, House, No. 3537) of Joseph D. McKenna that the Registrar of Motor Vehicles be authorized to establish an emergency responder yellow dot program. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3084* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing an emergency responder yellow dot program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. (a) For the purposes of this section the following words shall, unless a different meaning is apparent from the language or context, have the following meanings:-

"Emergency responder", an emergency medical technician, emergency medical technician-paramedic, paramedic, other emergency medical services provider, physician or nurse on the scene or accompanying or attending a patient in an ambulance, fire fighter or law enforcement officer on the scene. This definition shall apply whether an 'emergency responder'

is on-scene in a professional capacity in response to an emergency call, or whether an individual possessing such professional training is on-scene by simple happenstance.

"Program participant", an individual who has completed a health information card that includes health and emergency contact information, and affixed the decal provided by the registrar pursuant to the yellow dot program to the individual's vehicle.

"Yellow dot program", a voluntary program of the registry to assist drivers and passengers who participate in the program and emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a program participant's vehicle.

(b) The registrar shall establish a yellow dot program in the registry. The yellow dot program shall provide emergency responders with critical health and emergency contact information about program participants so that emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate. The registrar shall make yellow dot program materials available for pick up by any interested person at any registry of motor vehicle customer service office and shall provide for an on-line means through which individuals can request the materials required to participate in the program. The registrar shall also make yellow dot materials available in bulk, at no cost, to outside organizations wishing to disseminate those materials.

(c) The registrar shall provide to a program participant:

(1) a standard medical information form providing space for each participant to supply, at a minimum, the following information: name; a photograph of the program participant taken within the past 5 years clearly showing the participant's face; emergency contact information of

no more than 2 persons; medical information, including medical conditions, recent surgeries, allergies, medications being taken, specific medical instructions and any religious objection to receiving treatment; hospital preference; no more than 2 physicians' contact information; and the date on which the participant completed the form. The medical information form shall include a statement that the yellow dot program acts as a facilitator only, and that all information supplied on the medical information form is the sole responsibility of the program participant. The medical information form shall also include statements that the program participant supplies the medical information voluntarily, and that the program participant authorizes the disclosure to, and use of, the medical information by emergency medical responders and other responders for the purposes described in this section.

(2) a yellow decal of a size and design to be determined by the registrar which may be affixed to the rear driver's side window of the program participant's motor vehicle.

(3) a yellow envelope of a size and design to be determined by registrar into which the health information card established pursuant to this subsection is to be inserted and placed in the program participant's glove compartment; and

(4) a program instruction sheet.

(d) An emergency medical responder or other responder may use the information contained in the yellow dot folder for the following purposes:

(1) to identify a participant in the yellow dot program;

(2) to ascertain whether the participant has a medical condition that may impede communications with the responder;

(3) to communicate with the participant's emergency contacts about the location and general condition of the participant; or

(4) to consider the person's current medications and pre-existing medical conditions when emergency medical treatment is administered for any injury the participant suffers.

(e) the unauthorized taking of the personal information contained within an individual's 'yellow-dot' materials, and/or the use of such information for any purpose not related to life-saving or other emergency response measures, shall fall under the definitions and enforcements of 'identity theft' defined in MGL Chapter 266 Section 37E

(f)Except for wanton or willful misconduct, no emergency medical responder nor any employer of an emergency medical responder, shall incur any liability if the emergency medical responder or other responder is unable to make contact, in good faith, with an emergency contact person, or disseminates or fails to disseminate any information from the yellow dot folder to other emergency medical responders, hospitals, or any healthcare providers who render emergency medical treatment to the participant. No health care provider or employer of a health care provider shall incur any civil or criminal liability if the provider relies in good faith on the information provided to them through the program.

(g) The registrar shall develop and undertake a public education campaign to inform the public about the yellow dot program established pursuant to this section. The registrar shall provide sufficient program materials to other state departments, agencies, non-profit organizations, or automobile or driving organizations seeking to distribute or make program materials available to interested persons.

(h) The registrar shall notify the executive office of public safety regarding the implementation of the yellow dot program so that all emergency responders are informed about the program.

(i) The Massachusetts Department of Transportation may accept donations and grants from any source, including eligible federal safety funds, to pay the expenses the department of transportation incurs in the development and implementation of the yellow dot motor vehicle medical information program.