

# DRONES AND SURVEILLANCE

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# Aggressive Agenda

- Why Care About UAVs
- Laws and Regulations
- International Landscape
- Future of UAV Laws

# Bess Hinson

Chair, Cybersecurity & Privacy Practice  
Morris, Manning & Martin, LLP

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- Represents clients at all stages of incident response from investigation, notification, remediation, managing privacy class action risks, and defense of regulatory inquiry
- Cyber and data risk management and governance
- Breach preparedness and table top exercises
- Oversees and coordinates GDPR and CCPA compliance assessment and implementation programs
- Global data privacy compliance



# Whitney Coble



Associate Attorney  
Technology Transactions  
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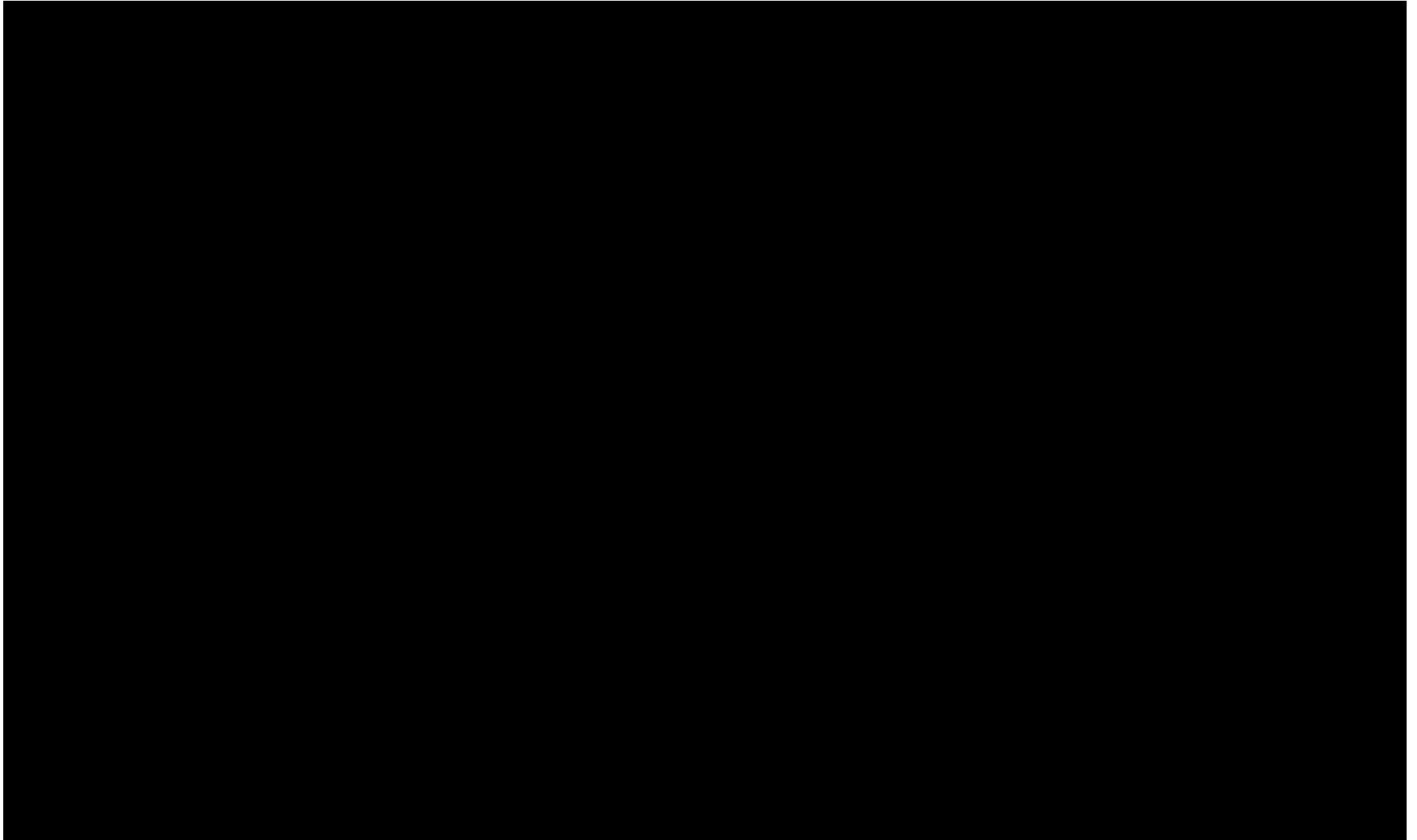
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- Tracks emerging UAV risks and trends, and follows legislative developments and regulatory enforcement matters in the data privacy and security area.
- Represents clients in connection with IP and technology transactions issues, including related to M&A .
- Assists clients with cyber and data risk management and governance.

# What Are UAVs Exactly?

- Definition
  - Remotely operated aircraft
- History
  - 1907: The world's first quadcopter was created by inventor brothers Jacques and Louis Breguet, with Professor Charles Richet.
  - 2013: Amazon released a concept video showing the potential for a drone-based delivery system.
- Applications
  - Law enforcement, land surveillance, wildlife tracking, search and rescue operations, disaster response, border patrol and photography, passenger taxis
- Operational Requirements
  - FAA-issued Certificate of Authorization (COA)

# Amazon Prime Air



# Future of UAVs in Business

- Possible Uses
  - Natural disaster relief
  - Movie Makers
  - Real estate agents
  - Package delivery
- Activity in Georgia
  - Livestock supervision
  - Film Industry
- What Does This Mean for Lawyers?
  - Advisory services related to developments in state and federal regulations

# Potential to Revolutionize Healthcare

- **Benefits**

- Ability to transport medications and lab samples on a hospital campus (potentially further if FAA regulations change)
- Carry communication equipment and mobile technology to provide telecommunications between providers and patients to help diagnose and treat
- In the field of emergency medicine, drones have been used to deliver automated external defibrillators (AEDs) to those aiding individuals who are in cardiac arrest.
- Public health uses by surveillance of disaster sites, areas with biological and chemical hazards, and tracking disease spread
- Potentially decrease costs of healthcare
- Increase efficiency of providing care

- **Challenges**

- Maintaining integrity of specimens during delivery
- Weight-load or carrying capacity
- Security of controlled substances
- Privacy Concerns



# Use Cases in Healthcare

- WakeMed
  - Currently testing drones on WakeMed's campus by transporting lab samples across facilities
  - Part of FAA pilot program assessing drone use in various contexts
  - Drones will be flying across a fixed route from WakeMed's facilities to a landing pad at the flagship hospital, where the specimen will be analyzed from the pathology lab
  - Goal: reduce turnaround time for lab results avoiding roadway delays
- Virginia Rural Clinic
  - NASA's Langley Research Center and Drone manufacturer, Flirtey, partnered to deliver pharmaceuticals and other medical supplies to an outdoor free clinic in Wise County, Virginia
- Walgreens
  - Pilot program will deliver food and beverage, over-the-counter medications (prescription drug transport not yet available)

# Federal Drone Public Law

- Federal Drone Public Law
  - FAA Modernization and Reform Act of 2012 (Public Law 112–95)
  - FAA Reauthorization Act of 2018 (Public Law 115-254)

# Federal Drone Regulations

- **Federal Aviation Administration (“FAA”)**
  - Prosecutes both commercial and non-commercial drone operators
  - *Huerta v. Pirker* – The principle takeaway of the case is that federal rules apply, and the FAA’s regulations will usually be controlling.
  - *Huerta v. Haughwout* – this case establishes the FAA’s very broad power to investigate.
  - *Singer v. City of Newton* – establishes that laws that prohibit what the FAA regulations allow directly or by waiver are preempted.
- **National Transportation Safety Board (“NTSB”)**
  - Governs drone accidents
- **Transportation Security Administration (“TSA”)**
  - Administers the alien flight student program
- **Department of Transportation (“DOT”)**
  - Regulates the transportation of hazardous materials (e.g., drone medical delivery)
- **Federal Communications Commission (“FCC”)**
  - Regulates radio transmitters, frequencies they transmit on, and power of transmitters.
- **Department of Commerce / EAR / ITAR**
- **National Oceanic and Atmospheric Administration (“NOAA”)**
- **National Park Service (“NPS”)**

# State Laws and Regulations

- State legislatures across the country are debating if and how UAS technology should be regulated, taking into account the benefits of their use, privacy concerns and their potential economic impact.
- Georgia
  - House Bill 481
    - Regulates the launching and landing of drones in the state and preempts localities from adopting UAS Regulations after April 1, 2017.
  - House Study Committee on the Use of Drones
    - Committee report issued in December 2015

# International Comparative Analysis

- Scope of Regulations
  - International standards to regulate certain aspects of drone operations are currently being considered by the International Civil Aviation Organization (ICAO).
  - In 2011, the ICAO issued a circular titled Unmanned Aircraft Systems (UAS) (CIR328).
- Privacy Concerns
  - U.S.
  - International

# Future of UAV Laws

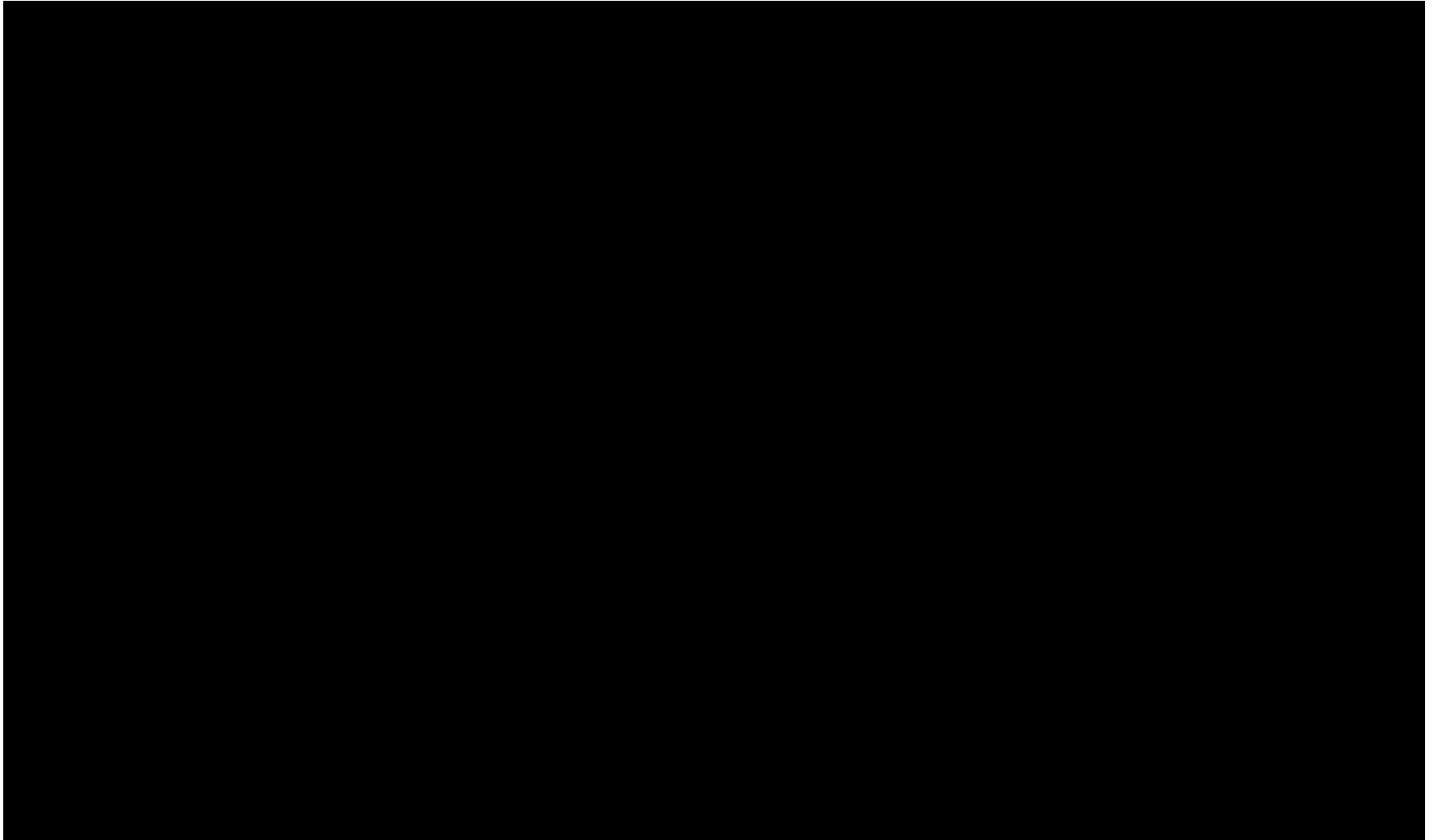
- European Common Drone Rules
  - [Commission Delegated Regulation \(EU\) 2019/945](#)
  - [Commission Implementing Regulation \(EU\) 2019/947](#)
- Uniform Law Commission Action (ULC)

# Drone Taxis on the Horizon



An Ehang 216 in flight. Courtesy of FACC.

# Flying taxi Ehang 216 developed by Chinese and Austrian companies takes off in Vienna





# Questions?

