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## **ACLU of Utah Files Objections to Decision in DEA Lawsuit over State Drug Database**

SALT LAKE CITY, UT — The American Civil Liberties Union (ACLU) of Utah has filed objections to a federal magistrate judge's recommendation to enforce a Drug Enforcement Agency (DEA) subpoena seeking records from the Utah Controlled Substance Database (UCSD). In a separate filing, the State of Utah joined in the ACLU's objection.

The focus of the underlying lawsuit is a state law requiring that any law enforcement agency must first obtain a warrant before accessing UCSD records. Last year, the DEA petitioned the federal court to force Utah to comply with a subpoena to access UCSD records related to a federal criminal investigation, after the state of Utah, in accordance with the law, had refused to turn over the requested records.

The ACLU of Utah partnered with the national ACLU's Speech, Privacy and Technology Project to intervene in the case on the side of the state. The ACLU, also representing Equality Utah, IAFF Local 1696, and two individual Utah residents, asserted the privacy interest of thousands of Utahns whose sensitive prescription records are kept in the UCSD. The ACLU is arguing that the DEA's refusal to get a search warrant from a judge violates not only Utah law, but also the Fourth Amendment to the U.S. Constitution.

In a report and recommendation issued on March 13, however, U.S. Magistrate Judge Pead recommended that the U.S. District Court Judge side with the DEA and force the state of Utah to comply with the subpoena. The ACLU of Utah's objection comes in response to that recommendation, and asks for an additional review by the U.S. District Court.

"We respectfully disagree with the magistrate judge's conclusion that no more than a subpoena was needed for the DEA to obtain prescription database records," said John Mejia, ACLU of Utah Legal Director. "Utahns have a reasonable expectation of privacy with regards to the doctor-prescribed drugs they keep in their medicine cabinets; a warrant should be required before law enforcement can access what is essentially an electronic version of that same medicine cabinet."

The ACLU of Utah's court filing is available at

A full case history can be reviewed at <https://www.aclu.org/cases/drug-enforcement-administration-v-utah-department-commerce>

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