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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES DEPARTMENT OF  
JUSTICE, DRUG ENFORCEMENT  
ADMINISTRATION,

*Petitioner,*

v.

UTAH DEPARTMENT OF COMMERCE and  
UTAH DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING,

*Respondents.*

Case No. 2:16-cv-611-DN

**DECLARATION OF TROY WILLIAMS  
IN SUPPORT OF  
MOTION TO INTERVENE**

Chief Judge David Nuffer

UNITED STATES DEPARTMENT OF  
JUSTICE, DRUG ENFORCEMENT  
ADMINISTRATION,

*Petitioner,*

v.

IAFF LOCAL 1696 et al.,

*Respondents–Intervenors.*

I, Troy Williams, hereby declare and state as follows:

1. I submit this declaration based on my personal knowledge in support of the Motion to Intervene in the above-captioned case.

2. I am the Executive Director of Equality Utah, which is one of the entities seeking to intervene in this action.<sup>1</sup>

3. Equality Utah works to secure equal rights and protections for lesbian, gay, bisexual and transgender Utahns and their families.

4. Among the rights that Equality Utah works to secure are the privacy rights of transgender people.

5. Transgender men often experience gender dysphoria, which involves strong and persistent cross-gender identification and persistent discomfort about one's assigned sex.<sup>2</sup>

6. As part of their medical treatment to aid in their transition, many transgender men

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<sup>1</sup> Equality Utah is comprised of three not-for-profit entities: (1) Equality Utah, an IRS 501(c)(4) organization; (2) Equality Utah Foundation, an IRS 501(c)(3) organization; and (3) Equality Utah Political Action Committee, an IRS 527 organization.

<sup>2</sup> Gender dysphoria, formerly known as gender identity disorder, is a medical condition recognized by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorder (DSM-5).

are prescribed hormone replacement therapy in the form of testosterone. After transitioning, transgender men who use prescribed testosterone generally do so for the rest of their lives.

7. Testosterone is a Schedule III drug under the federal Controlled Substances Act.

8. Therefore, the prescription records of transgender men are often recorded and maintained in Utah's Controlled Substance Database ("UCSD").

9. Information about the quantity and frequency of a patient's testosterone prescriptions is private and highly sensitive. Not only does this information reveal one's transgender identity and diagnosis of gender dysphoria, but dosage information can also reveal the status and stage of one's transition. For example, if a patient's testosterone dosage decreases, it could indicate the removal of the patient's uterus and ovaries.

10. Transgender men have a particularly heightened privacy interest in their prescription drug information because they are often the target of discrimination or other harm on the basis of their gender identity. As a national report issued in 2011 concluded, "[t]ransgender . . . people face injustice at every turn: in childhood homes, in school systems that promise to shelter and educate, in harsh and exclusionary workplaces, at the grocery store, the hotel front desk, in doctors' offices and emergency rooms, before judges and at the hands of landlords, police officers, health care workers and other service providers."<sup>3</sup> Strong privacy protections are necessary to mitigate these risks.

11. If the DEA were allowed to obtain prescription records from the UCSD without a warrant, many transgender men would be fearful of being investigated or harassed without

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<sup>3</sup> Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey 2* (2011), [http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf).

reason. The fear of unjustified disclosure of sensitive information about gender identity and medical treatment could deter some men from seeking medical care.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 27 day of July, 2016.

  
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Troy Williams