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**COMMENTS IN OPPOSITION TO 17-H 5469,
UNIFORM CONTROLLED SUBSTANCES ACT
March 15, 2017**

Just a few years ago, the Rhode Island General Assembly took a very important step toward protecting Rhode Islanders' privacy by overhauling the rules regarding access to the state's prescription drug monitoring database. This included requiring law enforcement to have a warrant before accessing records in the state's prescription drug monitoring program. This legislation undoes that progress, and leaves the prescription information of thousands of Rhode Islanders open for scrutiny by police without judicial oversight.

It does not diminish the seriousness of the prescription drug epidemic to require that law enforcement have judicial confirmation that access to an individual's personal medical records are a valid and necessary element of a criminal investigation. Keep in mind that the medical records of any Rhode Islander prescribed a controlled substance, including anti-anxiety medication, painkillers, and asthma inhalers are currently contained within the database. Yet each of these records would, under this legislation, be available to law enforcement at the mere suggestion that they are necessary for a drug-related investigation.

Individuals with chronic pain conditions should not have to fear being investigated by law enforcement viewing these records without context, nor do doctors need to be scrutinized without a judicial confirmation that an investigation is valid. Rhode Islanders visiting their doctors do not need to be concerned that the medication their doctor prescribes will mean a police officer at their door. A warrant serves as a key *independent* check on the validity of the investigation, ensuring that law enforcement has enough information to justify intruding on an individual's private medical information.

While this bill requires that any police investigation using the database have a "case number" and that the investigation be performed by a "certified investigator," these provisions are mere window dressing and do nothing to protect the privacy of intimate medical information from law enforcement overreach.

The ACLU of Rhode Island respectfully urges the committee not to compromise the privacy of thousands of Rhode Island's patients, and to instead keep in place the statutory safeguard of a judicial warrant requirement.