



2019-2020 PSM Legislative Agenda

Protect Consumers

PSM believes that it takes the involvement of all stakeholders to combat the online sales of counterfeit, misbranded or adulterated pharmaceuticals. The proliferation of the online drug trade on the open and the Dark Web must be stymied through better enforcement, additional regulations and tougher penalties. Additionally, drug pricing proposals unfortunately have increasingly called on HHS to allow for foreign drug importation that could open our nation's drug supply to unsafe and counterfeit drugs, worsening the issue, rather than helping. While PSM supports policies to help Americans receive the safe U.S. medications they need at prices they can afford, such as through increased approvals of generics, this cannot be at the expense of consumers' safety.

We SUPPORT

Requiring Registries/Registrars to Lock & Suspend Domain Names Used to Facilitate Illegal Online Drug Sales

- PSM supports any bills that would amend the Federal Food, Drug, and Cosmetic Act to require credible parties (e.g., law enforcement, domain name registries and registrars) to immediately lock and suspend any domain name used to facilitate the illegal online sales of medicines from use or resolution in the domain name system.
- The FDA should be given injunctive authority to seize and reassign domain names used to facilitate the illegal online sales of medicines and illicit drugs.
- Failure to comply with such policies should be considered violations of the Federal Food, Drug and Cosmetic Act's Prohibited Acts and Penalties.

Requiring Online Search/Social/Marketplace Platforms to Report Illegal Online Drug Information to Federal/State Authorities ("duty to report")

- PSM supports internet companies having a duty to report communications requisite to tackling illegal content.
- Oversight authorities should be able to assess whether additional measures are needed to ensure swift and proactive detection and removal of illicit drugs sales online.
- Search engines, social media platforms and online marketplaces should submit data including computer-mediated messages, posts, comments, interactions, and other multimedia (photos, images, videos, etc.).

We OPPOSE

H.R.447/S.97, Prescription Drug Importation, the Affordable and Safe Prescription Drug Importation Act; S.1801, The Affordable Medications Act; H.R.1478; the Affordable Insulin Act of 2019; H.R.478/S.61, the Safe and Affordable Drugs from Canada Act of 2019; the HHS Safe Importation Action Plan; and State importation plans.

- PSM opposes any drug importation legislation or Administrative action that would legalize the importation of prescription drugs into the country.
- Legalizing the importation of foreign drugs would weaken our borders and open further loopholes for criminals to traffic dangerous drugs into the country.
- If not interdicted at the border, drug importation will lead to the proliferation of counterfeit pharmaceuticals, including fentanyl-laced counterfeit drugs. This creates a significant interior enforcement issue and an unfunded mandate for law enforcement at the federal, state and local level.



- Enforcement against illegal foreign actors is extremely difficult, since the jurisdiction and prosecution powers of the FDA and other law enforcement agencies end at the border. Importation provides no resources to state or local law enforcement.
- Finally, most federal drug importation legislation proposes to import drugs from Canada. The U.S. has nine times the population of Canada, and if even 20% of U.S. residents started purchasing their medications from the Canadian drug supply, we would exhaust their supply of prescription drugs in just five months.
- In fact, Canada is already experiencing drug shortages, which importation would worsen.

Protect and Support Law Enforcement

PSM has partnered with law enforcement as they are on the frontlines of interdicting counterfeit drugs. PSM supports giving law enforcement the tools to combat counterfeit drugs, especially fentanyl-laced counterfeits. PSM supports policies to curb the trafficking and sale of counterfeit drugs. Due to the proliferation of counterfeit drugs increasingly being laced with synthetic opioids, there needs to be increased penalties for the commission of these products.

We SUPPORT

H.R. 4510 / S. 2573, the *Criminalizing Abused Substance Templates Act of 2019*, or the *CAST Act*

- This bill would amend the Controlled Substances Act to prohibit the knowing possession of a counterfeit pill press mold for a controlled substance with intent to manufacture.
- Those found in possession of a counterfeit substance in Schedule I or II in a capsule, tablet, and other form intended for distribution shall be imprisoned not more than 20 years and fined.
- All sentencing guidelines would be in accordance with the Sentencing Commission.
- Enhancing statutory minimums, as well as increasing fines and penalties will provide a stronger deterrence against criminals and criminal organizations seeking to make easy profits from counterfeit drugs.

S. 954, the *Providing Officers with Electronic Resources Act* or the *POWER Act*

- This bill would provide grants to state, local, territorial, and Tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.
- All law enforcement should have the necessary tools to not only protect themselves but to more quickly take bad actors off the street.
- The devices would address the backlog of drugs awaiting laboratory identification and can alert officers quickly to dangerous substances in the field; this helps ensure officers can test substances like fentanyl safely.

S.400, the *Blocking Deadly Fentanyl Imports Act*

- This bill would require a study to gather information about the production of illicit fentanyl in foreign countries.
- Nations found to be exporting illicit fentanyl without emergency scheduling of fentanyl would be ineligible for foreign aid or Export-Import Bank loans.
- It would close the loophole for illicitly manufactured fentanyl, which the DEA has reported is the primary driver of fatal fentanyl overdoses.
- These conditions already apply to those identified as a major producer or trafficker of illicit heroin, marijuana, cocaine, and methamphetamine and its precursor chemicals.
- It will also hold countries accountable for producing/manufacturing fentanyl into the United States.