

## **The Domain Reform for Unlawful druG Sellers (DRUGS) Act LOCK AND SUSPEND WEBSITES THAT SELL ILLEGAL DRUGS AND SPREAD PUBLIC HEALTH SCAMS**

### **Americans' Health & Safety Is At Risk Online**

- About [95%](#) of the [35,000 online pharmacies](#) operating at any given time do not comply with applicable laws and pharmacy standards, peddling illicit opioids and other counterfeit, falsified, substandard, or unapproved prescription drugs to unsuspecting patients.
- [Large numbers of Americans](#) underestimate the risk of illegal online pharmacies: 37% see little danger in ordering from one, while 7 in 10 Americans incorrectly believe that appearing at or near the top of internet search results legitimizes such a website.
- [31% of consumers who have bought prescription medication online](#) did so for the first time in 2020 because of the pandemic.
- During the pandemic, tens of thousands of domain names were registered with terms like “covid,” “corona,” and “virus.” Many offer counterfeit medicines or tout unproven treatments.

### **Opioids and Counterfeit Medicines Are Widely Available Online**

- In late 2021 [the Drug Enforcement Administration \(DEA\)](#) warned that “Fake prescription pills are widely accessible and often sold on social media and e-commerce platforms – making them available to anyone with a smartphone, including minors.”
- The DEA seized more than 9.5 million counterfeit pills in 2021, which is more than 2020 and 2019 combined.
- According to a 2020 [RAND report](#), “Today, fentanyl is a mail-order product, marketed on the open internet and shipped directly to consumers and dealers, no international drug cartels required. Some of it comes across the border from Mexico, but much of it comes from poorly regulated labs in China. They often guarantee delivery, so sure are they that their small packages will slip by in cargo shipments or standard mail.”
- A 2018 Senate Subcommittee on Investigations report showed how easy it is to get illicit fentanyl on the open internet. Using Google search, the subcommittee was able to identify more than 500 sales, involving six online sellers offering to ship through the U.S. Postal Service directly to American homes.

### **The Internet Ecosystem Can – And Should – Do More to Protect Patients:**

- Domain name registries and registrars control the backbone of the internet – domain names (aka websites and email addresses).
  - Registries manage domain name extensions such as .com, .gov, and .org, and .pharmacy. U.S. company Verisign is the registry for the .com domain.
  - Registrars license individual domain names (e.g. www.Congress.Gov) to the public. U.S. company GoDaddy is the world’s largest registrar.
- Too often, registries and registrars fail to enforce their own terms and conditions that prohibit domain names’ conducting illegal activity.
- Their failure to act allows registries and registrars to profit from websites that illegally sell controlled substances and medications to Americans.
- The [U.S. Food and Drug Administration, U.S. Department of Justice, and the DEA](#) cite registry and registrar inaction as an obstacle to stemming the tide of illegal online drug sales.

**The Solution – S 3399 / HR 6352 Domain Reform for Unlawful druG Sellers (DRUGS) Act.** The bipartisan, bicameral bill sponsored by Senators Klobuchar (D-MN) and Rubio (R-FL) and Representatives Rush (D-IL) and McKinley (R-WV). The DRUGS Act bill will help make the internet safer for Americans by requiring domain name registrars and registries to stop doing business with illegal actors who endanger public health online. The DRUGS Act is modeled after the [FDA and Dept. of Commerce \(NTIA\) trusted notifier pilot program.](#)

DRUGS Act requires registries and registrars to:

- Stop profiting from licensing domain names used to illegally sell prescription medicine, controlled substances, and unapproved medical products.
- Act on information from Trusted Notifiers including the Food and Drug Administration (FDA), the Department of Justice (DOJ), the Department of Homeland Security (DHS), State Attorneys General, State Boards of Pharmacy, an entity identified by the FDA as a trusted notifier, or any organization partnering with the FDA or the Drug Enforcement Agency to share such information.
- Lock the domain within 24 hours of notification. This prevents the registrant from transferring the domain to another company, but keeps the website otherwise operational.
- Suspend the domain name within 7 days of notification, unless the domain name registrant successfully appeals the Trusted Notifier’s findings. Suspension prevents the website from working, thus stopping the public health threat.
- Be accountable under the Federal Food, Drug & Cosmetic Act. Failure to comply has consequences: 1<sup>st</sup> time offense: one year imprisonment, \$1,000 fine, or both; 2<sup>nd</sup> offense: three-year imprisonment, \$10,000 fine, or both.