

The Domain Reform for Unlawful druG Sellers (DRUGS) Act

Lock and Suspend Websites that Illegally Sell Drugs and Endanger Public Health



About **95%** of the **35,000** online pharmacies **operating illegally at any given time** are putting Americans' lives at risk by selling medicines without a prescription, operating without a license, and peddling substandard, falsified, or counterfeit prescription drugs, including illicit opioids, to unsuspecting patients.



42% of Americans have purchased prescription medications online and **nearly half** report having done so for the first time this past year.



Early in the pandemic, **tens of thousands** of domain names were registered containing terms like "covid," "corona," and "virus." Many of these sites offered **counterfeit medications, touted unproven treatments, or were outright scams.**



Americans have a false sense of security when purchasing medications online:

45% of Americans erroneously believe all websites offering healthcare services or prescription medicines via the Internet have been approved by FDA or state regulators. **7 in 10** Americans believe legitimate online pharmacies should appear first in search results. But they don't.



Opioids and Counterfeit Medicines Are Widely Available Online

- In 2021, the DEA seized **20 million fake pills, often laced with fentanyl.** That is more than the last two years combined. To respond to this dramatic rise, the agency, for the first time in six years, issued a Public Safety Alert, signaling the major public health crisis the nation is facing and warned that pills purchased outside of a licensed pharmacy are illegal, dangerous, and potentially lethal.
- 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).
 - Registries manage domain name extensions such as .com, .gov, and .org, and .pharmacy.
 - Registrars license individual domain names (e.g. www.Congress.Gov) to the public.
- Too often, registries and registrars fail to enforce their own terms and conditions that prohibit domain names from being used to conduct 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 & Drug Administration, U.S. Department of Justice, and the Drug Enforcement Agency](#) cite registry and registrar inaction as an obstacle to stemming the tide of illegal online drug sales.

Federal Legislation Is Needed – S. 3399 / H.R. 6352:

The bipartisan, bicameral **Domain Reform for Unlawful druG Sellers (DRUGS) Act**, sponsored by **Senators Klobuchar** (D-MN) and **Rubio** (R-FL) and **Representatives Rush** (D-IL) and **McKinley** (R-WV) will help make the internet safer for Americans by requiring domain name registrars and registries to lock and suspend domains when notified by a trusted notifier that they are being used primarily to illegally sell prescription medicines and controlled substances.

Modeled after the [FDA and National Telecommunications and Information Administration \(NTIA\) trusted notifier pilot program](#), the DRUGS Act establishes certain federal agencies and entities as a trusted notifier. These entities will be recognized by registries and registrars as providers of credible and accurate information about illegal or abusive website content on domain names they control.

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 evidence provided by Trusted Notifiers that a domain they license is being used to illegally sell drugs in violation of the Federal Food, Drug, & Cosmetics Act. Trusted Notifiers include:

- Food & Drug Administration (FDA)
- Department of Homeland Security (DHS)
- State Attorney General
- State Board of Pharmacy
- Any entity identified by the FDA as a Trusted Notifier
- Any organization partnering with the FDA or DEA to share such information



Lock the domain within 24 hours of notification, preventing the registrant from transferring the domain to another company but keep 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:

- **1st offense:** one year jail, \$1,000 fine, or both
- **2nd offense:** three years jail, \$10,000 fine, or both