## Websites selling opioids, fentanyl and fake pills: An important problem within the opioid epidemic

#### What's happening

On March 1, 2022, the National Association of Boards of Pharmacy released the results of their internal research that details over 100 websites openly selling controlled substances, 51 of which included fentanyl and other synthetic opioids as part of their available products..

Some pose as "legitimate" online pharmacies while others claim to be chemical research suppliers. Many of these vendors, however, operate websites with some or all of their operational capabilities, such as web hosting, marketing, and fulfillment operations, beyond the reach of U.S. law enforcement on foreign soil.

Selling small amounts of fentanyl (4g) can have deadly consequences for thousands of Americans as a fatal dose is only 2mg. Within our current regulatory environment, identifying these bad actors operating within a foreign country where the U.S. does not have subpoena power, let alone shutting down web domains operating overseas, is problematic, cumbersome and time consuming, and generally ineffective. Too often, registries and registrars fail to enforce their own terms and conditions that prohibit domain names from being used to conduct illegal activity and history suggests that even if served with a summons, the operators are unlikely to appear in U.S. courts voluntarily.

The bipartisan, bicameral bill, the Domain Reform for Unlawful Drug Sellers (DRUGS) Act (S. 3399 / H.R. 6352), sponsored by Senators Klobuchar (D-MN) and Rubio (R-FL) and Representatives Rush (D-IL) and McKinley (R-WV) provides law enforcement with an important tool to lock and suspend domain names of identified domestic and foreign-based websites selling illicit drugs or fake medicines, including those containing fentanyl or fentanyl-related substances.

This is an important step for Congress to take to further ensure the safety of the U.S. prescription drug supply chain - arguably one of the safest and most secure in the world. The DRUGS Act would give law enforcement the needed resources to interdict against known illegal websites operating fulfillment centers or hosting web servers out of reach of U.S. law enforcement agencies. However, the domain names of such sites (i.e. x.com or x.org) are subject to US law enforcement because the master directory (the registry) is operated by a U.S.-based company.

This legislation will set a legal standard that if U.S. law enforcement or regulatory authorities have evidence that such a website is illegally selling drugs into the United States, they can request the domain name be locked and suspended. Once notified, U.S. registry operates and registrars has the authority to temporarily lock the domain in question within 24 hours and permanently suspend it after allowing for proper due process by granting website operators to submit relevant and necessary licenses to operate legally within the U.S. borders.

#### Has this been tried before?

Yes, this legislation grew out of a <u>successful pilot project</u> run by the National Telecommunications Infrastructure Agency (NTIA) and the U.S. Food and Drug Administration (FDA). Over 120 days, NTIA and the FDA worked with three "trusted notifiers" - an entity viewed as providing credible and accurate information on illegal or abusive website content - to address and curb access to illegal online opioid sales by working with three domain name registries.

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Results of the pilot program: nearly 30 domain names associated with websites were rendered illegal or illegitimate or inaccessible due to offering misbranded and/or unapproved opioids for sale to U.S. consumers. The pilot also yielded valuable insights into potential steps to take to reduce opioid substance abuse.

The successful pilot program helped NTIA, FDA, and the participating domain name registries to curb access to opioids illegally sold online, showcasing that this policy can work as legislation.

#### Why is Congressional action needed?

Americans have a false sense of security when purchasing medicines online and Congress has an inherent duty to protect the American public. Early in the COVID-19 pandemic, tens of thousands of domain names were registered with terms like "covid," "corona," and "virus," yet many of these sites knowingly sold counterfeit medicines and supplies, touted unproven treatments, and attempted to scam unknowing Americans.

Additionally, we know from DEA reports and CDC overdose numbers that opioids and counterfeit medicines are widely marketed and available online and obtainable through the mail system.

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. Forty-two percent of Americans have purchased prescription medicines online, with nearly half reporting having done so for the first time during the pandemic.

The DRUGS Act will help make the internet safer for Americans and help protect them from illicit, substandard or fake online medicines while ensuring the safety and security of the U.S. medical supply chain is maintained. Congress must act to prevent this type of widespread exploitation of the American public by bad actors does not continue to occur unchecked.

#### Who is NABP and what are some examples of these illegal websites?

The National Association of Boards of Pharmacy is the umbrella organization for each state's board of pharmacy that regulates pharmacists and pharmacies. They run an active program detecting and notifying law enforcement about illegal websites selling dangerous drugs and counterfeit medicines.

The full report is confidential but it has been provided to the Drug Enforcement Administration. NABP has authorized us to share the following redacted screenshots of websites selling controlled substances from their recent sample. Note that these websites could go offline at any time.

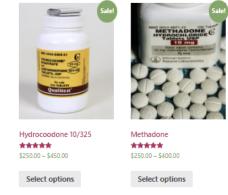
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### Examples from NABP's research

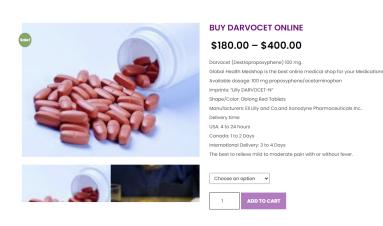


This website, one of 100 NABP found, sells both raw controlled substance chemicals like acetyl fentanyl and alprazolam, but also in finished pill form like methadone, Dilaudid, hydrocodone, OxyContin, and many more.

They explicitly say you do not need a prescription to order these products, despite that being a requirement in the United States.



This is, on its face, illegal.



This website is selling Darvocet, a medication banned from the market by the FDA in 2009 because of heart side effects. It was banned in the U.K. and the European Union as well.

They also advertise sales of controlled substances without prescriptions.

This website sells both opioids in pill form as well as many analogues of fentanyl in raw, powder form. The website promises that they ship their pharmaceutical products in unmarked boxes and the drugs themselves "in soft toys, video cassettes, and dolls."





They wrap items in carbon photo paper because "X-ray will not penetrate to avoid customs checks."