

# **S. 3399, Domain Reform for Unlawful Drug Sellers (DRUGS) Act**

*Senators Marco Rubio (R-FL) and Amy Klobuchar (D-MN)*

**Background:** Internet registries and registrars form the backbone of the internet, the former by creating domain name extensions such as .com, .edu, and .org, and the latter by selling them to the public. Unfortunately, wide portions of the industry too often fail to enforce their own rules, which prohibit domain names from conducting illegal activity. According to the National Association of Boards of Pharmacy (NABP), about 95 percent 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. The U.S. Food and Drug Administration (FDA) has specifically cited registry and registrar inaction as an obstacle to stemming the tide of illegal online drug sales, despite the industries' contractual authority to terminate service.

COVID-19 has only exacerbated these trends. A 2020 survey from the Alliance for Safe Online Pharmacies (ASOP) found that of the American consumers who bought prescription medication online in 2020, 31 percent did so for the first time because of the pandemic. Today, thousands of illicit websites remain able to sell illicit drugs, as well as scam American consumers, fueling America's skyrocketing opioid epidemic and destroying countless lives across the nation.

**The Solution:** The *Domain Reform for Unlawful Drug Sellers (DRUGS) Act* is modeled off of the FDA and National Telecommunications and Information Administration's successful 2020 "trusted notifier pilot program." The pilot, which then-Commerce Secretary Wilbur Ross described as "a new policy tool... to remove a major channel for the sale of illicit opioids, which will help save many American lives," resulted in the takedown of nearly 30 domain names used to offer illegal opioids online.

The *DRUGS ACT* would build on that success by requiring internet registries and registrars to take action should they receive notice from trusted notifiers that a domain name is being used to sell drugs illegally online. In response, registries and registrars would be forced to "lock" the domain within 24 hours, so it cannot be updated, transferred, or deleted, and then suspend it within seven days. Registrants and website operators would have the right to appeal the action by providing evidence of compliance with applicable laws. Trusted notifiers include the FDA, the U.S. Department of Justice, the U.S. Department of Homeland Security, State Attorneys General, State Boards of Pharmacy, and certain non-governmental organizations vetted by, or otherwise tied to the aforementioned government agencies.

**Support:** Alliance for Safe Online Pharmacies, National Association of Boards of Pharmacy, the National Consumers League, RESOLVE: The National Infertility Association, the International Federation of Pharmaceutical Wholesalers, the Coalition for Online Accountability, the Partnership for Safe Medicines, and the Pharmaceutical Security Institute.