

December 11, 2023

Chair Bob Latta
Subcommittee on Communications and
Technology
Energy and Commerce Committee
United States House of Representatives
Washington, DC 20515

Ranking Member Doris Matsui
Subcommittee on Communications and
Technology
Energy and Commerce Committee
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Statement for the Congressional Record in Support of NTIA Programming to Combat Illegal Online Drug Sales

Dear Chairman Latta and Ranking Member Matsui,

On behalf of the [Alliance for Safe Online Pharmacies \(ASOP Global\)](#), thank you for holding a hearing on “Oversight of the National Telecommunications and Information Administration” on Tuesday, December 5, 2023. ASOP Global appreciates Congress’s commitment to expanding broadband access to all Americans, effectively closing the digital divide and enhancing public access to the internet. Recognizing the importance of this expansion, it is equally crucial to ensure the safety of users in the digital space. To that end, in alignment with NTIA’s mission to formulate policies in domestic and international telecommunications and uphold public safety, ASOP has long engaged NTIA to safeguard consumers from the illegal sale of drugs online by advocating for effective policy, such as lock and suspend and WHOIS transparency policies.

ASOP Global, a nonprofit organization headquartered in Washington, D.C. with activities in the U.S., Canada, Europe, Latin America and Asia, is dedicated to protecting consumers, ensuring safe online access to medications, and combating illegal online drug sellers. With more than 75 participating organizations worldwide, ASOP Global prioritizes efforts to promote a safe and legitimate online environment for patients, caregivers, and healthcare providers.

The internet has delivered significant societal advantages, but it also has concurrently exposed global consumers to the perils associated with illegal online pharmacies selling counterfeit, adulterated, unapproved prescription medications to unassuming consumers. Per research conducted by the National Association of Boards of Pharmacy (NABP), roughly [95 percent](#) of the over [35,000 online pharmacies worldwide](#) operate illegally, in violation of state and federal law as well as pharmacy practice standards. Despite this, domestic policy has failed to act and protect Americans from these consumer harms and instead allows internet drug sellers to profit at the expense of patients’ safety. Not surprisingly, the COVID-19 pandemic exacerbated the crisis, with online criminals preying on consumers, peddling counterfeit products and treatments, while increasing [consumer comfort with online shopping](#).

ASOP Global has advocated for policies that put online consumer safety first, including stopping domain name registries and registrars from facilitating online crime by requiring them to [lock and suspend websites facilitating the illegal sale of drugs](#) and safeguarding online transparency by restoring access to accurate WHOIS data.

Alliance for Safe Online Pharmacies (ASOP)

www.BuySafeRx.pharmacy

Page 1

Lock and Suspend

An effective policy that NTIA should consider adopting to stop digital drug sellers is the implementation of lock and suspend. This policy would require 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. The process entails industry experts and trusted notifiers, such as FDA, Department of Homeland Security (DHS), LegitScript, NABP, state law enforcement entities, and others to alert registrars of illegal online drug sales being made on domain names they license. Upon receiving notification, the domain registrar would voluntarily lock the domain for a brief period, preventing the registrant (the digital drug seller) from transferring to another domain name. Subsequently, if the registrant fails to appeal the trusted notifier's findings, the registrar will suspend the website, effectively shutting it down. This policy has demonstrated its effectiveness in [a pilot program conducted by NTIA in partnership with FDA](#), resulting in the shutdown of 30 websites selling opioids. Also, NABP has concluded through [its own research](#) that locking and suspending websites impacts patient safety. Considering the extensive scale of counterfeit drug sales necessitating the shutdown of websites, lock and suspend models can dismantle substantial portions of the illegal trade. We urge Congress to support efforts that enable NTIA to implement such a policy and consider ways artificial intelligence (AI) can be leveraged to assist.

WHOIS Transparency

Domain registration information, also known as WHOIS data, has been a key tool in cybersecurity and consumer protection since the dawn of the modern Internet. Like public land and title information does for a store in a mall, WHOIS makes public who is behind a domain name or website. Those visiting a website should have some way to verify the online identity of the domain, particularly when those websites are engaged in commercial activity (collecting or processing payments) or otherwise collecting information on the consumer.

Prior to the implementation of the European Union's General Data Protection Regulation (EU GDPR) temporary guidance in May of 2018, this information was readily available to law enforcement investigations, consumer protection, cybersecurity research, intellectual property rights protection and enforcement professionals. The temporary policy has become the standard, as ICANN has been unable to resolve the question of access to the satisfaction of many of the stakeholders – including the U.S. government. In response to Congressional inquiry, several federal agencies with enforcement responsibilities noted how implementing the EU GDPR has negatively impacted the ability to pursue cyber investigations and prosecutions.

Thank you for your continued leadership in Congress and for hosting a hearing on the NTIA oversight and policy opportunities. Please know that ASOP Global stands ready to work with you to ensure that federal policies safeguard public health.

Respectfully,

Carrie Harney, J.D.

Board President, ASOP Global Board of Directors

Vice President, US Government and Regulatory Affairs

US Pharmacopeia

cc:

Chair Cathy McMorris Rodgers, House Energy and Commerce Committee

Ranking Member Frank Pallone, House Energy and Commerce Committee