

117TH CONGRESS
2D SESSION

S. 3984

To amend the Controlled Substances Act to provide a process to lock and suspend domain names used to facilitate the online sale of controlled substances illegally, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2022

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to provide a process to lock and suspend domain names used to facilitate the online sale of controlled substances illegally, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Illegal Online
5 Sales of Controlled Substances Act”.

1 **SEC. 2. DOMAIN NAMES USED TO FACILITATE THE ONLINE**
2 **SALE OF CONTROLLED SUBSTANCES ILLE-**
3 **GALLY.**

4 (a) IN GENERAL.—Section 311 of the Controlled
5 Substances Act (21 U.S.C. 831) is amended by adding at
6 the end the following:

7 “(k) DOMAIN NAMES USED TO FACILITATE THE ON-
8 LINE SALE OF CONTROLLED SUBSTANCES ILLEGALLY.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) DOMAIN NAME.—The term ‘domain
11 name’ means a name that—

12 “(i) identifies a specific location on
13 the internet that belongs to a particular
14 person; and

15 “(ii) consists of 2 or more textual seg-
16 ments separated by dots.

17 “(B) DOMAIN NAME USED TO FACILITATE
18 THE ONLINE SALE OF CONTROLLED SUB-
19 STANCES ILLEGALLY.—The term ‘domain name
20 used to facilitate the online sale of controlled
21 substances illegally’ means a domain name that
22 identifies a location on the internet, a primary
23 or significant purpose of which is to introduce
24 or deliver for introduction into interstate com-
25 merce a controlled substance in violation of this
26 title.

1 “(C) LOCK.—The term ‘lock’ means, with
2 respect to a domain name, for the registry oper-
3 ator or registrar to systematically prevent the
4 domain name from being updated, transferred,
5 or deleted during the balance of the registration
6 of the domain name, which may be achieved
7 using domain name registration protocols.

8 “(D) REGISTRAR.—The term ‘registrar’
9 means an organization that—

10 “(i) manages the registration of do-
11 main names; and

12 “(ii) during the registration process—

13 “(I) verifies that the requested
14 domain name meets registry require-
15 ments; and

16 “(II) submits the name to the
17 appropriate registry operator.

18 “(E) REGISTRY.—The term ‘registry’
19 means an authoritative master database of the
20 domain names registered in a top-level domain.

21 “(F) REGISTRY OPERATOR.—The term
22 ‘registry operator’ means an organization that
23 maintains a registry, including by—

1 “(i) receiving requests from registrars
2 to add, delete, or modify domain names;
3 and

4 “(ii) making the requested changes in
5 the registry.

6 “(G) SUSPEND.—The term ‘suspend’
7 means, with respect to a domain name, for the
8 registry operator or registrar to systematically
9 disable the functionality of the domain name
10 through a hold or suspension during the bal-
11 ance of the registration of the domain name,
12 which may be achieved using domain name reg-
13 istration protocols.

14 “(H) TRUSTED NOTIFIER.—The term
15 ‘trusted notifier’ includes the following (and the
16 designees and agents thereof):

17 “(i) The Food and Drug Administra-
18 tion.

19 “(ii) The Department of Justice, in-
20 cluding the Drug Enforcement Administra-
21 tion.

22 “(iii) The Department of Homeland
23 Security.

24 “(iv) A State attorney general.

25 “(v) A State board of pharmacy.

1 “(2) LOCKING AND SUSPENSION OF DOMAIN
2 NAMES.—A registry operator or registrar shall—

3 “(A) not later than 24 hours after receipt
4 of a notification from a trusted notifier respect-
5 ing a domain name that is used to facilitate the
6 online sale of controlled substances illegally and
7 that is under the control of the registry oper-
8 ator or registrar, lock the domain name; and

9 “(B) not later than 7 days after receipt of
10 such notification, suspend the domain name.

11 “(3) NOTICE.—Paragraph (2) shall apply in the
12 case of a notification by a trusted notifier that in-
13 cludes, at a minimum—

14 “(A) the domain name being reported to
15 the appropriate registry operator or registrar;

16 “(B) the date of observation that the do-
17 main name was used to facilitate the online sale
18 of controlled substances illegally;

19 “(C) a summary of the alleged activities
20 that constitute a domain name being used to fa-
21 cilitate the online sale of controlled substances
22 illegally; and

23 “(D) a statement that evidence of offering
24 controlled substances illegally, such as a
25 screenshot, has been retained, and is available

1 to be shared with the registry operator or reg-
2 istrar.

3 “(4) REGISTRANT APPEAL.—

4 “(A) IN GENERAL.—Any registrant whose
5 domain name is locked and suspended pursuant
6 to paragraph (2) may appeal such action to the
7 trusted notifier pursuant to subparagraph (B).

8 “(B) APPEALS.—

9 “(i) IN GENERAL.—In bringing such
10 an appeal, the registrant for the locked
11 and suspended domain name may do any
12 of the following:

13 “(I) Contact the applicable reg-
14 istry operator or registrar to request
15 information regarding the business
16 name, or personal name if the trusted
17 notifier is not a business, and the
18 email address, of the trusted notifier
19 who submitted the notification regard-
20 ing the domain name.

21 “(II) Dispute the notification by
22 submitting any relevant records and
23 information to the applicable trusted
24 notifier.

1 “(ii) PROVISION OF INFORMATION.—

2 Not later than 15 days after receiving a re-
 3 quest under clause (i)(I), a registry oper-
 4 ator or registrar shall provide the re-
 5 quested information.

6 “(iii) INVESTIGATION.—The applica-
 7 ble trusted notifier shall—

8 “(I) conduct a reasonable inves-
 9 tigation regarding the registrant and
 10 its domain name to determine whether
 11 notification under paragraph (2) was
 12 improper; and

13 “(II) in conducting such inves-
 14 tigation, consider the information pro-
 15 vided by the registrant under clause
 16 (i).

17 “(iv) SUCCESSFUL APPEAL.—If the
 18 appeal is successful, the registry operator
 19 or registrar shall lift the suspension and
 20 unlock the domain name within 15 days.

21 “(5) AUTHORITY TO LOCK OR SUSPEND A DO-
 22 MAIN NAME.—A registry operator or registrar may
 23 lock and suspend a domain name used to facilitate
 24 the online sale of controlled substances illegally be-

1 fore receipt of a notification under this section from
 2 a trusted notifier.”.

3 (b) PROHIBITED ACT.—Part D of the Controlled
 4 Substances Act (21 U.S.C. 841 et seq.) is amended by
 5 adding at the end the following:

6 **“SEC. 424. LOCKING AND SUSPENSION OF DOMAIN NAMES.**

7 “(a) OFFENSE.—It shall be unlawful for a registry
 8 operator or registrar to knowingly fail to lock and suspend
 9 any domain name in its control in violation of section
 10 311(k).

11 “(b) PENALTY.—

12 “(1) IN GENERAL.—Any registry operator or
 13 registrar that violates subsection (a) shall be fined
 14 not more than \$1,000.

15 “(2) SUBSEQUENT OFFENSE; INTENT TO DE-
 16 FRAUD OR MISLEAD.—Any registry operator or reg-
 17 istrar that violates subsection (a) after a conviction
 18 of that registry operator or registrar under this sec-
 19 tion has become final shall be fined not more than
 20 \$10,000, or both.”.

21 (c) APPLICABILITY.—Sections 311(k) and 424 of the
 22 Controlled Substances Act, as added by this section, shall
 23 apply beginning on the date that is 60 days after the date
 24 of enactment of this Act.

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