

Congress of the United States
Washington, DC 20510

January 19, 2022

Dear Chief Executive Officer:

The opioid epidemic has been felt by nearly every family in America. Over the last year alone, we have lost more than 75,000 lives¹ due to opioid drug overdoses - a more than 34% increase over the previous year.² Every five minutes, another American dies from an overdose or fentanyl poisoning. Of particular concern is the rising number of young Americans dying due to the deception and heinous actions of online drug dealers, many of whom reach users through your platform.

On December 16, 2021, the Drug Enforcement Agency (DEA) reported that it seized enough fentanyl in 2021 to provide a lethal dose to every American. The information the DEA has gathered also finds a direct link with fentanyl-related overdoses and savage-cartel networks in Mexico. In that same report, the DEA announced it has seized more than 20 million fake prescription pills, with four out of every 10 containing a lethal dose of fentanyl.³

A recent CBS News investigation created two fake profiles across Instagram, Snapchat and TikTok, and pretended to be high school students.⁴ The account holder was able to find a drug dealer within 48 hours. The connection between social media platforms and the illegal drug trade is clear for everyone to see. The question you must now ask yourself is how many more children, teens and adults need to die before your platform commits to taking an aggressive approach to fighting this epidemic?

While we understand that individuals using your platform may report accounts for drug sales or other illegal content in violation of your platform's guidelines, the turnaround time in addressing these reports is nothing short of slap in the face of every American who has lost a loved one to this crisis. Whether "industry best practices" need to be established or legislative changes made, something must be done to combat the rising presence of counterfeit and illegal drugs.

A promising idea focused on helping curb the capabilities of these cartels and dealers is a Trusted Reporter program. A Trusted Reporter program helps the platform monitor accounts that engage in potentially illegal activity or violate the platform's guidelines. With the speed in which an online search can result in drugs in-hand, lives are literally on the line with every passing minute an illegal account stays active.

¹ https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm

² <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

³ <https://www.dea.gov/press-releases/2021/12/16/dea-reveals-criminal-drug-networks-are-flooding-us-deadly-fentanyl>

⁴ <https://www.cbsnews.com/news/social-media-teens-drug-access/>

Due to the urgency of this epidemic afflicting millions across America, we request your attention to the following questions, which we expect answers to no later than January 31, 2022:

1. Are you committed to working with appropriate local, state, and federal law enforcement to create a Trusted Reporter program to help bring down these accounts?
2. How many accounts have you found advertising counterfeit pills on your platform?
 - a. How many of those accounts were reported to you by a user of your platform?
 - b. How many of those accounts did you find on your own?
3. Do you proactively refer accounts mentioning counterfeit pills or fentanyl to law enforcement?
 - a. Do you notify the account holder that they are being investigated by law enforcement, potentially leading them to evade and continue selling their product and killing people?
 - b. Which law enforcement entities are you referring accounts suspected of drug sales and/or trafficking to?
4. Over the last year, on average, how many subpoenas have you received per month related to accounts being used to sell or distribute drugs?
5. What is the average turnaround time for responding to a subpoena issued by a law enforcement agency (Not including an automated or "received" style response)?
6. Do your moderators search for accounts or posts that use the DEA's Emoji Drug Code, or various permutations of the Emoji Drug Code?
 - a. If no, why not?
7. What has your company done to help spread awareness of the DEA's One Pill Can Kill campaign?

The lives of millions of Americans, and the future of our children are in the hands of leaders like you. Together, we can find a way to help curb the crisis, and save countless people, and we look forward to hearing from you and working together to achieve that goal.

Sincerely,



Rick Scott
United States Senator



Gus Bilirakis
Member of Congress