



AMERICANS *for* TAX REFORM

January 23, 2017

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Room CC-5610 (Annex C)
Washington, DC 20580

RE: Contact Lens Rule, 16 CFR Part 315, Project No. R511995

On behalf of Americans for Tax Reform, I write in support of new changes to the Contact Lens Rule (16 CFR Part 315, Project No. R511995.) The proposed changes to the rule promote and protect the free market by ensuring consumers have the freedom to purchase where they choose free from interference.

In 2003, the Fairness to Contact Lens Consumers Act (FCLCA) was made into law in response to this issue. The act required that optometrists provide patients with a copy of their prescription.

Prior to passage of FCLCA, optometrists could make it more difficult for their patients to purchase from a third party. These concerns were far from hypothetical – there were many well documented cases of bad actors implicitly or directly blocking the free choice of consumers.

To be clear, there should be no restrictions on professionals selling contact lens, nor should there be any restriction on consumers safely purchasing from a third party.

Since the rule has been enacted, patients have had more options on where to fill their prescriptions. FCLCA fixed existing flaws in law by allowing consumers the right to “passive verification” over contact lens prescriptions, a change that meant patients would have access to a written prescription, so they could shop where they wanted.

The newly proposed changes to the contact lens rule protect the successes from FCLCA introducing new provisions that will strengthen federal law.

The rule calls for additional record keeping in the form of a “receipt of contact lens prescription” that enshrines the right of consumers to freely purchase from either their optometrist or a third party provider.

Consumers will also have increased flexibility to have their prescriptions verified through phone, fax, or online, a change that makes sense given the ease of communication today.

Importantly, changes to the rule do not include some of the proposed changes that would restrict the free market.

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Critics of existing law have long argued that it is unsafe for patients to fill their prescriptions through a third party. These opponents have proposed regulations to the FCLCA such as allowing optometrists to block any third party from filling a prescription based on their own discretion and prohibiting automated verification that makes it easier and faster for patients to receive their prescriptions.

After a year-long examination the FTC has rightly debunked all safety issues that have been raised and decided that there is no basis for implementing these unnecessary regulations.

The new proposal will add to the success of existing law, promoting the well-being of patients and the free market. I urge the FTC to move forward with this rule and continue to reject any proposals that weaken contact lens consumer protections.

Onward,

A handwritten signature in blue ink, appearing to read 'G. G. Norquist', written in a cursive style.

Grover G. Norquist
President, Americans for Tax Reform