



14 June, 2021

Dear Members of Congress:

I write in opposition to [S.1784](#) / [H.R. 3353](#), the “Contact Lens Prescription Verification Modernization Act” and all other efforts to undermine the Contact Lens Rule. If implemented, this legislation would undermine the Federal Trade Commission (FTC) Contact Lens Rule that ensures 45 million contact lens users have the choice and freedom to shop where they choose.

This legislation would make it more difficult and more costly for Americans to fill their prescriptions, creating unnecessary financial and healthcare burdens on the American people. **All members of Congress should reject this legislation.**

In 2003, President George W. Bush signed the Fairness to Contact Lens Consumers Act (FCLCA) into law. The legislation required that optometrists provide patients with a copy of their prescription.

The FTC’s Contact Lens Rule built on the FCLCA, ensuring that consumers have the freedom to purchase contact lenses from wherever they want, whether that is from their optometrists or from a third party. Specifically, the rule required optometrists to obtain signed acknowledgement from patients that they have received a copy of their prescription. It also continued to allow automated phone prescription verification, a feature of the FCLCA, which is one of the most effective ways to preserve competition and consumer freedom.

Rather than forcing a third-party retailer to wait indefinitely for a prescriber to verify the prescription, this requires the retailer to wait a full business day (eight hours) before fulfilling a consumer’s order.

S.1784/ H.R. 3353 seek to end this effective, efficient prescription verification option. This will open the door to bad actors who, before the FCLCA, would refuse to verify prescriptions in the hopes of preventing their patients from buying lenses from other retailers.

Contact lenses have become more accessible, convenient, and affordable because of these steps taken to ensure consumers have a multitude of choices. To reel back the protections which transformed the contact lens marketplace for the better would be a mistake.

While lawmakers should support proposals that lower the regulatory burden and reduce red tape, there should not be concerns that the FTC rule adds to an optometrist’s regulatory burden. The requirements set forth by the rule are modest and easy to comply with. Optometrists are already required to maintain detailed patient records so this new verification should require little if any increase in resources in order to comply with.

The Contact Lens Prescription Verification Act, and other efforts to undermine the Contact Lens Rule should be rejected. The legislation would undermine patient freedom by chipping away at their right to purchase contact lenses from optometrists or a third party. Passing this legislation now, while the economy is still recovering, would increase costs and reduce healthcare choice and access for Americans across the country.

Onward,

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