



August 4, 2020

Congresswoman Jan Schakowsky
United States House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Schakowsky,

As one of the leading voices in the Congress for consumer rights and racial equity in health care, we write today to ask for your leadership in helping to protect a vital consumer protection that is under attack. The Federal Trade Commission (FTC) recently released an update to the Contact Lens Rule (CLR), which provides consumer protections and lowers eye health costs for millions of Americans.

The FTC issued this unanimous, bipartisan rule on June 23, 2020 after five-plus years of careful review. The Rule strengthens and protects the rights of consumers, and increases choice and competition in the contact lens marketplace. It is supported by [27 Attorneys General](#) from across the country, on both sides of the aisle, medical professionals, antitrust experts, local, state and national consumer and taxpayer advocacy groups and perhaps most significantly, millions of people who wear contact lenses.

Consumers need a strong Contact Lens Rule to ensure that they get a copy of their own prescription and to ensure that they are educated about their rights after getting an eye exam. Hispanic and African American consumers especially need this rule because millions of families are unaware of their rights and are forgoing care because of cost and convenience.

The optometric trade association is long time opponent of the Fairness to Contact Lens Consumer Act (FCLCA) and the related CLR. Combined, these have overarching support and protect contact lens consumers and the FTC Contact Lens Rule. They are pulling out every trick in the book, lobbying to stop the recently updated FTC Rule or delay it further.

One of their strategies is to add language undermining implementation of the CLR to must-pass funding and COVID relief legislation. Another is happening in the House of Representatives right now, where the optometric lobbyists are circulating a sign-on letter in favor of H.R. 3975, *The Contact Lens Prescription Verification Modernization Act*, their latest attempt to protect optometrists' ability to sell what they prescribe and upset the careful balance set out in the FCLCA to the detriment of consumers.

You may remember that we reached out to you with concerns about H.R. 3975 last year when Congressman Burgess and Congressman Rush first introduced the measure. This bill seeks to end the most effective and

efficient prescription verification option created within the FCLCA by banning automated phone prescription verification. The automated phone prescription verification system is a critical part of the FCLCA, as it has helped create robust competition in the contact lens marketplace and allowed consumers to shop around for their lenses in instances where they do not have a copy of their prescription.

Congress adopted this system after receiving evidence of widespread refusals by contact lens prescribers to verify prescriptions in the hopes of preventing their patients from buying their lenses from other retailers. This bill is a blatant attempt to turn back the clock to the days when optometrists had total control over a consumer's contact lens prescription and free rein to charge whatever they wanted for contact lenses.

Consumers' rights and competition in the contact lens market will be greatly harmed if H.R. 3975 is passed by Congress. This bill also undermines both the spirit and the letter of the new FTC Contact Lens Rule, which was strongly supported by all 5 FTC Commissioners last month, after five-plus years of hard work by the FTC staff.

We urge you and your colleagues to side with supporters from across the political spectrum and consumers in every state of the country to stop any efforts to weaken the Contact Lens Rule or pass controversial legislation like H.R. 3975 that would undercut consumer rights. Now more than ever, as America adjusts to life during this pandemic, consumers need to be able to access and utilize their own contact lens prescriptions. They deserve more options and choices when buying lenses, not fewer. We cannot and must not delay it any longer.

Thank you for your support. Please don't hesitate to reach out to any of our organizations if you have questions as you consider this matter.

Ken McEldowney, Executive Director Consumer Action
Dr. Elena Rios, President and CEO National Hispanic Medical Association
Sindy Benavides, CEO League of United Latin American Citizens
Lindsay Mark Lewis, Executive Director Progressive Policy Institute

cc: House Leadership and Members of the House Energy and Commerce