



February 8, 2021

United States Senate  
Washington D.C., 20510

Dear Senator,

The [Coalition for Contact Lens Consumer Choice](#) is a bipartisan coalition representing 45 million contact lens consumers and taxpayers in this country who strongly support the recently updated Federal Trade Commission (FTC) Contact Lens Rule (CLR) because it ensures ongoing competition in the contact lens marketplace and lower prices for consumers. Our members include Center for Freedom and Prosperity, Consumer Action, Costco Wholesale, LULAC, Lens.com, Americans for Tax Reform, National Taxpayers Union, the National Hispanic Medical Association, Progressive Policy Institute, R Street Institute, 1-800 Contacts, Citizen Outreach, and the Taxpayers Protection Alliance.

We write today to urge all members of the United States Senate to stand united against efforts to undermine the rights of contact lens consumers and oppose misguided proposals attempting to roll back and weaken the Fairness to Contact Lens Consumers Act (FCLCA) and the recently updated FTC Contact Lens Rule in the Senate during this legislative session. We anticipate that anti-consumer, anticompetitive legislation will be circulated to members in the coming weeks and we call on you to reject these attempts to raise contact lens prices and reduce choice for millions of contact lens wearing constituents in each of your states.

We are particularly concerned about legislation like S. 4613, a bill introduced in the last Congress by Senator Boozman, which removes new protections for contact lens consumers. This bill would eliminate a patient's guarantee that they receive a copy of their prescription and also eliminate a patient's ability to be educated about their right to their prescription.

After being presented with compelling empirical data and evidence that demonstrated that optometrists continue to refuse to automatically provide patients with copies of their prescriptions, the FTC added a much needed mechanism to their updated rule to ensure consumers have a right to their prescription and a right to shop around for the best price and service.

The Commission also adjusted its initial proposal to ease the burden on optometrists and ophthalmologists by revising the consumer acknowledgement requirement to allow multiple ways for the prescriber to show that they provided the patient with their prescription. The prescriber can choose to get the patient to acknowledge delivery of the Rx by signing a separate statement, signing a copy of the prescription itself or signing a copy of the payment receipt. The fact that any perceived burden on the prescriber is minimal is further demonstrated by the American Optometric Association ("AOA") Contact Lens Compliance Tool Kit, which included an example of a multi-part contact lens prescription form provided to optometrists by the AOA that is simple, low cost and easy to use. All prescribers use prescriptions and this AOA form merely

adds FTC mandated language to existing prescriptions thereby eliminating the need to provide an additional document to the patient. A sample of the form is attached.

S.4613 would also eliminate the most cost effective, accurate and efficient prescription verification option created within the FCLCA by banning automated phone prescription verification. The automated phone prescription verification system is a critical and foundational part of the FCLCA, as it has helped create robust competition in the contact lens marketplace by allowing consumers the opportunity to shop around for their lenses in instances where they have not been provided a copy of their prescription.

S.4613 was scheduled for mark-up in the Senate Commerce Committee last year. However, it was so controversial that it was pulled from the mark-up agenda. Consumers from across the country emailed, called and sent messages to Senate Commerce Committee members expressing their opposition to this bill. We need the leadership and help of each and every one of you to prevent bills like S. 4613 from moving forward in the new Congress.

Our bipartisan coalition has been fighting for years to protect the right of consumers to receive their contact lens prescription. We are deeply concerned that if legislation like S. 4613 is passed, the rights of consumers will be sacrificed and the savings to taxpayers that choice brings to government employee insurance and other health programs will be diminished.

Now more than ever, consumers need to be able to access and utilize their contact lens prescriptions, and they need more options and choices of places to buy lenses, not fewer. Taxpayers, who help fund government employee insurance and public health programs, also deserve the savings that contact lens choice can deliver.

There are few things in Washington that are truly bi-partisan and pro-consumer these days. Protecting the rights of contact lens consumers is an area where we can all agree. Thank you for standing up for the rights of 45 million contact lens consumers. Please don't hesitate to reach out to any of our organizations if you have questions about contact lens bills or language moving through the Senate.

#### The Coalition for Contact Lens Consumer Choice

CC: Majority Leader Schumer, Leader McConnell, Chair Leahy & Ranking Member Shelby, Chair Cantwell and Ranking Member Wicker, Distinguished Members & Staff of the Senate Appropriations and Senate Commerce Committees

Attached: New AOA Contact Lens Prescription Form

