



June 2, 2021

United States Senate
Washington D.C., 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Cantwell, Ranking Member Wicker and distinguished leaders, members and staff of the 117th United States Senate.

The [Coalition for Contact Lens Consumer Choice](#) writes today in strong opposition to legislation recently introduced by Senator Boozman (R-AK) and Senator Duckworth (D-IL) that would weaken both the Fairness to Contact Lens Consumers Act (FCLCA) and the Federal Trade Commission's (FTC) updated Contact Lens Rule (CLR) issued unanimously last year. This proposed legislation will make contact lens purchases more expensive and make purchasing more difficult by reducing choice for the 45 million Americans who wear contact lenses.

S.1784 and its companion H.R. 3353, the so-called *Contact Lens Prescription Verification Modernization Act*, aim to undo a benefit in the CLR that was created for consumers—the ability to shop for contact lenses wherever they choose even when optometrists do not provide consumers a copy of their contact lens prescription. If consumers were given their prescription—as required by law—there would be no need to place a verification call or even request verification from the issuing optometrist because consumers would have a copy of their prescription to shop elsewhere and could simply provide it to the retailer of their choice,

The FCLCA was enacted in 2003, with strong bi-partisan support, to promote competition and consumer choice in a marketplace that was uniquely saddled with state laws that protected optometrists' ability to profit from the products they prescribe. This profession has a market power unlike any other medical professional; their financial success is guaranteed by statute and regulation. As active market participants, it is in their best interests to protect their ability to sell what they prescribe and their aggressive actions to roll back federal and state consumer protections certainly reflect these efforts.

Since the FCLCA passed, the contact lens marketplace has been positively transformed and contact lens consumers have benefitted from more choices, lower prices and better service and convenience. Now, consumers can shop for contact lenses wherever and whenever they choose - at their optometrist's office, at their local big box store, neighborhood pharmacy, online vendors, over the phone or through an app. They have a wide variety of choices when it comes to buying contact lenses, but they need their prescription information in order to take advantage of this competitive marketplace by comparison shopping.

Yet, since the day the FCLCA was signed into law more than a decade and a half ago, there have been continual efforts by the optometric lobby to weaken or gut the law by rolling back vital consumer protections and rights at every turn. These lobbyists seek to preserve the

optometrists' market share by eliminating prescription verification by phone, which denies contact lens consumers the ability to take their prescription and shop where and when they want for contact lenses.

Bills like S. 1784 and H.R. 3353 are nothing more than the optometric lobbyists' latest attempt to protect their ability to sell what they prescribe and upset the careful balance set out in the FCLCA to the detriment of consumers. It's no wonder they are announced the same week as the annual optometric association's DC fly-in. These bills seek to end the most effective and efficient prescription verification option created within the FCLCA by banning automated phone prescription verification. Verification by phone is the most accurate, consistent, and timely method in which to verify prescriptions.

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. It requires a contact lenses retailer to wait eight business hours after contacting the prescriber before it may fulfill a consumer's order, instead of requiring the retailer to wait indefinitely for the prescriber to positively verify the prescription.

Congress adopted this system after receiving evidence of widespread refusals by prescribers to verify prescriptions in the hopes of preventing their patients from buying their lenses from other retailers. These bills are 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 legislation like S. 1784 and H.R. 3353 are passed by Congress. On behalf of every American who wears contact lenses in this country, we ask for your help in protecting our rights and stopping these misguided bills.

Sincerely,

The Coalition for Contact Lens Consumer Choice
cc: Members of the Senate Commerce, Science and Transportation Committee

