



January 26, 2017

**Comments of the Institute for Liberty on the Federal Trade Commission's
Proposed Rules Concerning Contact Lenses**

The Institute for Liberty (IFL) is a free-market, limited-government organization based in Washington, DC and Williamsburg, VA, with a long history in assessing the impacts of federal regulations on small business and entrepreneurship. While it may seem counterintuitive that we write today in strong support of a rule promulgated by the Federal Trade Commission, that is exactly the case—we support regulatory efforts that seek to ensure that markets remain free, and therefore provide benefits to both small businesses, and the working families that depend upon them.

IFL supports the Contact Lens Rule as published in the Federal Register on Dec. 7, 2016. We believe this rule provides for and preserves a free, fair and competitive open marketplace. Consumers are best served by competition—in any and all marketplaces. Competition, by definition, tends to lead to downward price pressure, which means lower prices for consumers, and greater efforts for product quality and service differentiation, which means better products and services. Competition is best preserved by keeping markets open and free.

In contrast, efforts to alter this rule all tended to seek to close off or restrict the contact lens market, which IFL believes would lead to fewer market participants, higher prices, reduced choice and lesser quality services. We were happy to see the FTC appear to reject efforts by the contact lens manufacturers and the optometric trade associations to restrict the market as a way of preserving their own market shares. This type of guild-style protectionism is something IFL has long been critical of, since case after case demonstrates that consumers are ill-served by it, in both the near-term and long-term.

For nearly 15 years, it has been the law in the U.S. that optometrists are required to hand their patients a copy of their prescription so that they can purchase their contact lenses wherever they wish. Yet, like many other rules that don't serve the immediate needs of those to whom they apply, it has regularly been ignored or skirted with ill-conceived workarounds.

For this reason, in this rule, the FTC clarified the Contact Lens Rule to say consumers should receive additional copies of their prescription upon request, and they can designate retailers to receive copies of the prescription as well.

The Institute for Liberty compliments the FTC for the thoughtful, pro-consumer approach to preserving the free and open competitive market the Contact Lens Rule provides. We believe this proposal ought to be implemented as proposed. If you have any questions or need additional information, do not hesitate to contact me at President@InstituteForLiberty.org.

Thank you for your consideration of our comments.

Sincerely,

Andrew Langer
President
Institute for Liberty