



AMERICANS *for* TAX REFORM

July 26, 2019

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Room CC-5610 (Annex C)
Washington, DC 20580

RE: Contact Lens Rule, 16 CFR Part 315, Project No. R511995

On behalf of Americans for Tax Reform, I write in support of new changes to the Contact Lens Rule (16 CFR Part 315 Project. No R511995). These changes strike the correct balance between promoting the free market and protecting important consumer rights.

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.

This requirement ensured consumers have the freedom to purchase lenses from wherever they choose without interference.

Prior to passage of FCLCA, optometrists could make it more difficult for their patients to purchase from a third party. These concerns were far from hypothetical – there were many well documented cases of bad actors implicitly or directly blocking the free choice of consumers.

To be clear, there should be no restrictions on professionals selling contact lens, nor should there be any restriction on consumers safely purchasing from a third party.

Since the rule has been enacted, patients have had more options on where to fill their prescriptions. FCLCA fixed existing flaws in law by allowing consumers the right to “passive verification” over contact lens prescriptions, a change that meant patients would have access to a written prescription, so they could shop where they wanted.

The newly proposed changes to the contact lenses rule would protect FCLCA successes and further strengthen federal law.

The rule changes maintain that prescribers are required to have patients affirmatively acknowledge in writing that they have received a copy of their prescription. The acknowledgements must be kept on file for three years. The FTC is giving optometrists four different options for patients to acknowledge prescription receipt, including printing the acknowledgement on the receipt where they pay for their exam.

While requiring a written acknowledgment of prescription receipt might place a minimal recordkeeping burden on optometrists, other methods of ensuring patients receive a copy of their prescription have proven ineffective. In California, many optometrists have ignored a state law requiring them to hang signs detailing patient rights as enumerated in the FCLCA.

Consumers will also have the ability to receive prescriptions in digital form. While this should not replace paper prescriptions entirely, especially for older patients, digital prescriptions give patients flexibility to shop around with third-party sellers.

Taken together, the new proposal will add to the success of existing law, promoting the well-being of patients and the free market. I urge the FTC to move forward with this rule and continue to reject any proposals that weaken contact lens consumer protections.

Onward,

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