



September 22, 2020

Chairman Roger Wicker (R-MS)
Ranking Member Maria Cantwell (D-WA)
Distinguished Members of the Senate Commerce Committee

United States Senate Commerce Committee
512 Dirksen Senate Building
Washington DC, 20510

Dear Chairman Wicker, Ranking Member Cantwell and distinguished members of the Senate Commerce Committee,

The last thing we need in the middle of tough economic times and a global pandemic, is to make health care more expensive and difficult to access. Unfortunately, this is exactly what will happen if Congress passes S. 4613, *The Contact Lens Rule Modernization Act*, a bill introduced by Senator John Boozman. If passed, this bill will drive up prices and reduce competition and choice for forty-five million contact lens wearers taxpayers. We strongly urge you to oppose this bill.

Thanks to bipartisan legislation passed by Congress in 2003, the *Fairness to Contact Lens Consumers Act (FCLCA)*, and a unanimous bipartisan update to the *Contact Lens Rule (CLR)* in June 2020, consumers have a guaranteed, protected, and enforceable right to their prescriptions. This update, issued on a 5-0 basis by the FTC earlier this year, preserves the rights of consumers to shop around for the lowest prices and the opportunity to buy their lenses from sources other than their prescriber. Taxpayers, who help to fund government employee health insurance and other public programs, benefit from this environment as well.

These efforts protect consumers and taxpayers from the unique monopoly and market power that optometrists have by selling what they prescribe. Senator Boozman's *Contact Lens Rule Modernization Act* would undo these protections, allowing optometrists to continue to make access to prescriptions difficult and strong-arming consumers into purchasing contact lenses from them at artificially high prices.

Senator Boozman, a licensed optometrist, introduced a bill that would severely undercut vital consumer protections in two disturbing ways. First, if passed, S. 4613 would "rewrite" the FTC's Contact Lens Rule, which was issued with the full support of all five FTC Commissioners and 27 Attorneys General, after a five-year comprehensive and exhaustive review of the industry. The bill removes new protections for consumers that would ensure they are educated about their rights and guaranteed a copy of their prescription. The FTC deemed these new protections necessary because so many optometrists fail to provide customers with a copy of their contact lens prescription.

Second, S.4613 eliminates the most 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 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. Congress adopted this system after receiving evidence of widespread refusals by prescribers to verify prescriptions in order to prevent their patients from buying lenses from other lower priced retailers.

Senator Boozman’s bill is nothing more than an 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 exorbitant prices for contact lenses. The cost to the economy, and to taxpayers, would be intolerably heavy if this bill were to become law.

We urge you and your colleagues to side with taxpayers and consumers from across the political spectrum and residing in every state to stop S.4613. Now more than ever, as America adjusts to life during this pandemic, people who wear contact lenses need to be able to access and utilize their own contact lens prescriptions. They deserve more options and choices when buying lenses, not fewer. They deserve lower prices, not higher. Forty-five million contact lens wearers are counting on you.

The Coalition for Contact Lens Consumer Choice

- cc: Senate Majority Leader Mitch McConnell (R-KY)
- Democratic Leader Chuck Schumer (D-NY)
- Majority Whip John Thune (R-ND)
- Democratic Whip Dick Durbin (D-IL)
- Republican Conference Chair John Barrasso (R-WY)
- Assistant Democratic Leader Patty Murray (D-WA)



