



11/13/2020

The Honorable Chair Richard Shelby and the Honorable Ranking Member Patrick Leahy
Members of the United States Senate Appropriations Committee
S-128
The Capitol
Washington DC 20510

Dear Chairman Shelby, Ranking Member Leahy, and the distinguished members of the Senate Appropriations Committee,

We write today with deep concerns about report language that has been added to the FY 21 Financial Services and General Government Appropriations Bill that would delay the implementation of the FTC's recent updated Contact Lens Rule which strengthens and protects the rights of millions of contact lens consumers across this country and lowers prices and increases choice and competition in the contact lens market. The FTC issued this rule unanimously on bi-partisan basis on June 23 2020 after spending nearly five years reviewing the issue.

More than 45 million Americans wear contact lenses and rely on the protections in the Contact Lens Rule to give them access to their own prescription and the ability to shop around for best prices and service. We strongly urge you to reject this last ditch effort stop the Contact Lens rule and allow this vital consumer protection to move forward.

Our bipartisan coalition of organizations and advocacy groups, representing taxpayers, consumers, and millions of contact lens wearers have been fighting for years to protect the right of consumers to receive their contact lens prescription. We are deeply concerned that if this rule is further delayed, the rights of consumers will be sacrificed and millions of taxpayer dollars will be wasted in order to protect the optometric industry.

Unlike medical doctors, who are prohibited from benefiting financially from selling anything they prescribe to their patients, optometrists are exempt from this prohibition, despite their financial conflict of interest. Because of the special nature of this marketplace, in which optometrists write prescriptions for contact lenses and then immediately seek to sell those lenses to that same patient, Congress passed the bipartisan Fairness to Contact Lens Consumers Act in 2003 to protect contact lens wearers by requiring optometrists to automatically release contact lens prescriptions without patients having to ask.

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 stronger enforcement mechanisms to the updated rule to ensure consumers know they have a right to their prescription and a right to shop around for the best price and service. They added a signature release provision to ensure that when a consumer leaves the optometrist's office after an eye exam that they know that they have the right to take their prescription with them.



The consumer-friendly adjustment to the Contact Lens Rule released by the FTC on June 23 gives the FTC a means to track those who are failing to follow the prescription release requirement under the FCLCA and to take action on behalf of consumers' rights when a case warrants.

The FTC and their professional, nonpartisan staff conducted a thorough, comprehensive and transparent rule review process over the course of many years that included numerous options for public comments and an FTC workshop. In the end, they came down squarely on the side of consumers, taxpayers, competition, and choice.

We urge you and the Committee to stand with consumers and taxpayers in support of the rule. Now more than ever, as America adjusts to life during this pandemic, 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 less. Taxpayers, who help to 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. The FTC's Contact Lens Rule is a wonderful example of how we can all work together to help consumers and constituents. We cannot and must not delay it any longer.

Thank you for your support. Please don't hesitate to reach out to any of our organizations if you have questions as you consider this matter.

The Coalition for Contact Lens Consumer Choice

Ken McElowney, Executive Director Consumer Action
Pete Sepp, President National Taxpayers Union
Dr. Elena Rios, President and CEO National Hispanic Medical Association
Sindy Benavides, CEO League of United Latin American Citizens
Lindsay Mark Lewis, Executive Director Progressive Policy Institute
C. Jarrett Dieterle, Director R Street Institute
Chuck Muth, President Citizen Outreach
David Williams, President Taxpayers Protection Alliance
Alexander Hendrie, Director Americans for Tax Reform
Cary Samourkachian, President and CEO Lens.com
Allison Fleming, Vice President 1800 Contacts
Gary Swearingen, Corporate Counsel Costco Wholesale

