



February 9, 2021

United States House Of Representatives
Washington D.C., 20515

Dear Representative,

The [Coalition for Contact Lens Consumer Choice](#) is a bipartisan coalition of consumer focused groups, companies who compete in the contact lens marketplace and think tanks that weigh in on policy proposals in the marketplace of ideas. Our members include Center for Freedom and Prosperity, Consumer Action, Costco Wholesale, LULAC, Lens.com, Americans for Tax Reform, National Taxpayers Union, the National Hispanic Medical Association, Progressive Policy Institute, R Street Institute, 1-800 Contacts, Citizen Outreach, and the Taxpayers Protection Alliance.

We stand united as the voice for the more than 45 million Americans who wear contact lenses in this country, so we urge you to stand united against a bill that will undermine and undercut the rights of contact lens consumers that may be introduced during this session.

We are particularly concerned about legislation like H.R. 3975, *The Contact Lens Prescription Verification Modernization Act (CLPVMA)*, a bill introduced by Congressman Rush and Congressman Burgess in 2019, that would have severely harmed consumers and competition in the contact lens marketplace by undercutting one of the most bi-partisan and well regarded federal laws of the past decade, the *Fairness to Contact Lens Consumers Act (FCLCA)*. H.R. 3975, if passed, would have departed from more than 16 years of policies and regulations that promote competition and affordable access to contact lenses and would have cost taxpayers and consumers millions of dollars.

At the end of 2020, we saw efforts, thankfully unsuccessful, in both the House and Senate by the optometric lobbying association to get parts of this bill attached to appropriations bills and must-pass COVID-19 relief packages. The House must resist such backdoor efforts in this Congress as well.

The FCLCA was enacted in 2004 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 sell the products they prescribe. This profession has an unrivaled market power conferred upon them by the government; their financial success is backed by statute and regulation. It is therefore in their best interests to protect their ability to sell what they prescribe.

Since the FCLCA first passed, the contact lens marketplace has been positively transformed. 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. This array of options also yields savings for taxpayers, who help underwrite government employee insurance and other programs providing some form of vision care benefit. Consumers have a wide variety of choices when it comes to buying contact lenses,

but they need their prescription 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 attempts to weaken or gut the law by rolling back vital consumer protections and rights at every turn. One concerning approach taken recently by opponents of the FCLCA and the optometric lobby has been to try and eliminate contact lens 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 H.R. 3975, *The Contact Lens Prescription Verification Modernization Act*, are merely a protectionist ploy to preserve optometrists' ability to sell what they prescribe and upset the careful balance set out in the FCLCA to the detriment of consumers. This bill seeks to end the most accurate, cost effective 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 and allowed consumers to shop around for their lenses in instances where they do not have a copy of their prescription. The FCLCA requires a contact lens 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. It would therefore be a mistake to turn back the clock to the days when optometrists had total control over a consumer's contact lens prescription and were insulated from the market forces that helped make products more affordable.

Consumers' rights and competition in the contact lens market will be greatly harmed if legislation like H.R. 3975 is passed by Congress. On behalf of the 45 million Americans who wear contact lenses in this country, we ask for your help in protecting our rights.

Sincerely,

The Coalition for Contact Lens Consumer Choice

cc: Speaker Pelosi, Leader McCarthy, Chair Pallone, Ranking Member McMorris Rodgers, Chair DeLauro, Ranking Member Granger and distinguished Inmembers and staff of the House Appropriations and Energy and Commerce Committees

