



February 2, 2021

United States Senate
Washington DC, 20510

Dear Leaders Schumer and McConnell, Chairman Leahy and Ranking Member Shelby, Chairwoman Cantwell and Ranking Member Wicker and the distinguished leaders, members and staff of the 117th United States Senate,

The [Coalition for Contact Lens Consumer Choice](#) is a bi-partisan coalition representing 45 million contact lens consumers and taxpayers in this country who strongly support the recently updated Federal Trade Commission (FTC) Contact Lens Rule (CLR) because it ensures competition in the contact lens marketplace and lower prices and more choice for consumers. 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 write today to urge all members of the United States Senate to stand united against efforts to undermine and undercut the rights of contact lens consumers, and roll back the Fairness to Contact Lens Consumer Act (FCLCA) and the recently updated FTC Contact Lens Rule that may be introduced in the Senate during this legislative session.

We are particularly concerned about legislation like S. 4613, a bill introduced in the last Congress by Senator Boozman, which goes so far as to remove new protections for contact lens consumers. This bill would end a patient's guarantee that they receive a copy of their prescription and are educated about their rights. 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 mechanisms to their 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.

S.4613 would eliminate 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 and foundational 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.

S.4613 was scheduled for mark-up in the Senate Commerce Committee last year. However, it was so controversial that it was pulled from the mark-up agenda. Hundreds of consumers from across the country emailed, called and sent messages to Senate Commerce Committee members expressing their opposition to this bill. We need the leadership and help of each and every one of you to prevent S. 4613 from moving forward in the new Congress.

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 legislation like S. 4613 is passed, the rights of consumers will be sacrificed and the savings to taxpayers that choice brings to government employee insurance and other health programs will be diminished.

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. Protecting the rights of contact lens consumers is an area where we can all agree. Thank you for standing up for the rights of 45 million contact lens consumers. Please don't hesitate to reach out to any of our organizations if you have questions about bills or language moving through the Senate.

The Coalition for Contact Lens Consumer Choice

cc: Members of the Senate Commerce, Science and Transportation Committee





February 2, 2021

United States House Of Representative
Washington DC, 2051s

Dear Speaker Pelosi, Leader McCarthy, Chairman Pallone, Ranking Member McMorris Rodgers, Chairwoman DeLauro, Ranking Member Granger and distinguished leaders, members and staff of the 117th United States Congress,

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 and we write today to urge all members of the United States House of Representatives to stand united against legislative efforts to undermine and undercut the rights of contact lens consumers that may be introduced during this legislative session.

We are particularly concerned about legislation like H.R. 3975, *The Contact Lens Prescription Verification Modernization Act*, a bill introduced by Congressman Rush and Congressman Burgess in 2019 that would severely harm 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 Federal Contact Lens Consumer Choice Act or FCLCA for short. This bill if passed would depart from more than 15 years of policies and regulations that promote competition and affordable access to contact lenses and cost taxpayers and consumers millions of dollars.

At the end of 2020, we saw efforts, thankfully unsuccessful efforts, in both the House and Senate by the optometric lobbying association get parts of this bill attached to appropriations bills and must-pass COVID-19 relief packages. We urge you to stand strong against any efforts to weaken consumer protections for contact lens consumers in this Congress.

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 profit from the products they prescribe. This profession has a market power unlike any other medical professional; their financial success is guaranteed by statute and regulation. It is in their best interests to protect their ability to sell what they prescribe and their aggressive actions certainly reflect these efforts.

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. They 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 efforts by optometric lobbyists to weaken or gut the law by rolling back vital consumer protections and rights at every turn. These lobbyists seek to preserve the optometrists' market share by eliminating 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 the optometric lobbyists' latest attempt to protect 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 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. It requires a contact lenses 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. This bill is a blatant 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 whatever they wanted for contact lenses.

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: Members of the Senate Commerce, Science and Transportation Committee

