



7/6/2020

The Honorable Chair Nita Lowey and the Honorable Ranking Member Kay Granger
The Honorable Chair Mike Quigley and the Honorable Ranking Member Tom Graves
Financial Services and General Government Subcommittee
House Appropriations Committee
H-307
The Capitol
Washington DC 20515

Dear Chair Lowey, Ranking Member Granger, Chair Quigley, Ranking Member Graves and Distinguished Members of the Financial Services and General Government Subcommittee,

We write today as a bipartisan coalition of organizations and advocacy groups, representing taxpayers, consumers, and millions of contact lens wearers in strong support of the Federal Trade Commission's updated Contact Lens Rule, which was announced on June 23, 2020. The Rule was finalized after five plus years of careful consideration and work by the FTC and their staff, with the unanimous support of all five of the FTC's Commissioners. The Rule includes new requirements for both contact lens prescribers and sellers.

The FTC's updated Contact Lens Rule is a resounding win for consumers and taxpayers. It protects competition and allows for consumer choice. 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.

It is important to remember that the contact lens marketplace is virtually unique. 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.

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 warrant.

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.

Our organizations and the millions of contact lens consumers that we represent have been working for roughly half a decade for this Rule to get finalized. We urge you and the Committee



to reject attempts to delay it any longer and to ensure the FTC devotes proper resources toward educating consumers on their rights.

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 McEldowney, 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
Chuck Muth, President Citizen Outreach
C. Jarrett Dieterle, Director R Street Institute
David Williams, President Taxpayers Protection Alliance
Alexander Hendrie, Director Americans for Tax Reform
Cary Samourkachian, President and CEO Lens.com
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