

107TH CONGRESS  
1ST SESSION

# H. R. 2663

To require the Federal Trade Commission to amend the trade regulation rule on ophthalmic practice to require the release of prescriptions for contact lenses, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2001

Mr. STARK (for himself, Mr. SENSENBRENNER, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. SERRANO, and Ms. RIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require the Federal Trade Commission to amend the trade regulation rule on ophthalmic practice to require the release of prescriptions for contact lenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Contact Lens Prescrip-  
5 tion Release Act of 2001”.

6 **SEC. 2. PRESCRIPTIONS FOR CONTACT LENSES.**

7 (a) **AVAILABILITY OF CONTACT LENS PRESCRIPTION**  
8 **INFORMATION.**—No later than 6 months after the date

1 of enactment of this Act, the Federal Trade Commission  
2 shall promulgate a rule on ophthalmic practice under sec-  
3 tion 553 of title 5, United States Code, to require that  
4 a prescriber shall, upon completion of the contact lens fit-  
5 ting process for a patient—

6 (1) provide to the patient a copy of the pre-  
7 scriber's prescription for contact lenses, regardless  
8 of whether or not the patient requests such a copy;  
9 and

10 (2) upon request of the patient—

11 (A) provide a copy of such a prescription  
12 to the patient or an agent of the patient; or

13 (B) promptly verify to an agent of the pa-  
14 tient, including by electronic means, the infor-  
15 mation contained in such a prescription.

16 (b) EXPIRATION OF PRESCRIPTION.—The amend-  
17 ment under subsection (a) shall also provide that any con-  
18 tact lens prescription shall expire 2 years after the date  
19 it is issued, unless the prescriber specifies in the prescrip-  
20 tion for a patient a different expiration date based on the  
21 medical judgment of the prescriber with respect to the pa-  
22 tient's ocular health.

23 (c) VIOLATIONS.—Any violation of a rule prescribed  
24 under subsection (a) shall be treated as a violation of a  
25 rule under section 18 of the Federal Trade Commission

1 Act (15 U.S.C. 57a) regarding unfair or deceptive acts  
2 or practices.

3 **SEC. 3. ADVERTISING AND SALES PRESENTATIONS RE-**  
4 **GARDING CONTACT LENSES.**

5 (a) CONTENT OF ADVERTISEMENTS AND SALES  
6 PRESENTATIONS.—No later than 6 months after the date  
7 of enactment of this Act, the Federal Trade Commission  
8 shall promulgate a rule on ophthalmic practices under sec-  
9 tion 553 of title 5, United States Code, to make it an un-  
10 fair trade practice for any industry member to publish,  
11 or cause to be published, any advertisement or sales pres-  
12 entation relating to contact lenses that represents, directly  
13 or by implication, that contact lenses may be obtained  
14 without a valid prescription.

15 (b) VIOLATIONS.—Any violation of a rule prescribed  
16 under this section shall be treated as a violation of a rule  
17 under section 18 of the Federal Trade Commission Act  
18 (15 U.S.C. 57a) regarding unfair or deceptive acts or  
19 practices.

20 **SEC. 4. EFFECT ON STATE LAW.**

21 This Act and the regulations issued under this Act  
22 shall not affect any State law that—

23 (1) authorizes the release of prescriptions for  
24 contact lenses only under terms that are not more  
25 restrictive than this section;

1           (2) regulates who is authorized to fit contact  
2 lenses; or

3           (3) regulates advertisements or sales presen-  
4 tations regarding contact lenses.

5 **SEC. 5. DEFINITIONS.**

6 For purposes of this Act:

7           (1) COMPLETION OF THE CONTACT LENS FIT-  
8 TING PROCESS.—The term “completion of the con-  
9 tact lens fitting process” means completion of the  
10 process that—

11           (A) begins after the initial eye examina-  
12 tion;

13           (B) includes—

14           (i) an examination to determine what  
15 the lens specifications should be;

16           (ii) except in the case of a renewal of  
17 a prescription, an initial evaluation of the  
18 fit of the lens on the patient’s eye; and

19           (iii) followup examinations that are  
20 medically necessary; and

21           (C) ends when—

22           (i) except in the case of a renewal of  
23 a prescription, the prescriber is satisfied  
24 that a successful fit has been achieved; or

1                   (ii) in the case of a renewal of a pre-  
2                   scription, the prescriber determines that  
3                   there is no change in the prescription.

4                   (2) INDUSTRY MEMBER.—The term “industry  
5                   member” means a person that engages in the manu-  
6                   facture, processing, assembly, sale, offering for sale,  
7                   or distribution of contact lenses.

8                   (3) PRESCRIBER.—The term “prescriber”  
9                   means an ophthalmologist or optometrist who per-  
10                  forms eye examinations under a license issued by a  
11                  State.

12                  (4) PRESCRIPTION.—The term “prescription”  
13                  means the specifications necessary for a patient to  
14                  obtain contact lenses, that include—

15                         (A) data on the refractive status of pa-  
16                         tient’s eyes; and

17                         (B) a clear notation that the patient is  
18                         suitable for contact lenses.

○