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109TH CONGRESS
2D SESSION

H. R. 6117

To amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2006

Mr. WHITFIELD (for himself, Mr. ALLEN, Mr. NORWOOD, Mr. BOOZMAN, Mr. LEWIS of Kentucky, and Mr. HALL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Contact Lens Consumer Health Protection Act''.

SEC. 2. IMPROVED COMMUNICATIONS BETWEEN SELLERS AND PRESCRIBERS.

Section 4 of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7603) is amended—

(1) in subsection (c), by adding at the end the following:

''(7) A toll-free telephone number and email address for prescribers to call or email with questions relating to a verification request, as required under subsection (i).'';

(2) in subsection (d)(3), by adding at the end the following: ''If a prescriber communicates a question or concern to a seller through the toll-free telephone service or dedicated email address required under subsection (i) before such 8-hour period has ended, the seller must obtain affirmative confirmation of the accuracy of the prescription from the prescriber before the prescription is considered verified.'';

(3) by redesignating subsection (e) through (g) as subsections (f) through (h), respectively;

(4) by adding after subsection (d) the following:

''(e) PRESCRIBER PREFERRED METHOD OF COMMUNICATION.—A prescriber may provide written notification to a seller requesting that all requests for verification from that seller be communicated to that prescriber by that pre-

scriber's preferred method of communication. Such preferred method of communication may be by telephone, facsimile, or email, or by either of any 2 of those means of communication.''; and

(5) by inserting after subsection (h) (as so redesignated), the following:

''(i) TELEPHONE SERVICE AND DEDICATED EMAIL ADDRESS.—A seller of contact lenses who requests verification of any contact lens prescription shall provide a toll-free telephone service operable during regular business hours and a dedicated email address for the sole purpose of responding to prescribers' questions and concerns regarding verification requests. Such toll-free telephone service shall maintain a sufficient number of working telephone lines to enable ready access by prescribers to the service.''.

SEC. 3. EXPANDED PENALTIES.

Section 9(b) of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7608(b)) is amended by striking the period at the end and inserting '', except that fines imposed for a violation of section 4 of this Act may be in an amount up to $100,000 per violation.''

SEC. 4. CONSUMER SAFETY STUDY.

Section 10 of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7609) is amended by adding at the end the following:

''(c) CONSUMER SAFETY STUDY.—

''(1) STUDY.—The Federal Trade Commission, in consultation with the Food and Drug Administration, shall undertake a study to examine the adverse and potentially adverse effects on consumers of seller violations of the prescription verification and sales requirements of this Act. The study shall specifically address the following issues:

''(A) The overfilling of prescriptions with quantities of lenses that exceed the normal expiration dates of the prescriptions.

''(B) The dispensing of prescriptions that have expired or are inaccurate.

''(C) The failure by a seller to allow prescribers to contact the seller within 8 business hours to advise that a prescription is inaccurate or expired.

''(D) The health risks to the consumer of receiving the incorrect prescription from a seller.

''(E) The economic risks to the consumer of receiving the incorrect prescription from a seller.

''(F) The improper advertising to consumers about what constitutes a valid prescription or valid prescription information, or advertising that no prescription is needed.

''(G) Any other issue that has an impact on the health of the consumer from violations of the verification or sales requirements of this Act.

''(2) REPORT.—Not later than 12 months after the date of enactment of this subsection, the Federal Trade Commission shall transmit to Congress a report of the study required by this subsection.''.

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