

110TH CONGRESS
1ST SESSION

H. R. 2012

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

APRIL 24, 2007

Mr. ROSS (for himself, Mr. WHITFIELD, Mr. BOOZMAN, Mr. HALL of Texas, Mrs. DRAKE, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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.

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 Con-
5 sumer Health Protection Act”.

1 **SEC. 2. IMPROVED COMMUNICATIONS BETWEEN SELLERS**
2 **AND PRESCRIBERS.**

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

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

7 “(7) A toll-free telephone number and email ad-
8 dress for prescribers to call or email with questions
9 relating to a verification request, as required under
10 subsection (i).”;

11 (2) in subsection (d)(3), by adding at the end
12 the following: “If a prescriber communicates a ques-
13 tion or concern to a seller through the toll-free tele-
14 phone service or dedicated email address required
15 under subsection (i) before such 8-hour period has
16 ended, the seller must obtain affirmative confirma-
17 tion of the accuracy of the prescription from the pre-
18 scriber before the prescription is considered
19 verified.”;

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

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

23 “(e) **PRESCRIBER PREFERRED METHOD OF COMMU-**
24 **NICATION.**—A prescriber may provide written notification
25 to a seller requesting that all requests for verification from
26 that seller be communicated to that prescriber by that pre-

1 scribe’s preferred method of communication. Such pre-
2 ferred method of communication may be by telephone, fac-
3 simile, or email, or by either of any 2 of those means of
4 communication.”; and

5 (5) by inserting after subsection (h) (as so re-
6 designated), the following:

7 “(i) TELEPHONE SERVICE AND DEDICATED EMAIL
8 ADDRESS.—A seller of contact lenses who requests
9 verification of any contact lens prescription shall provide
10 a toll-free telephone service operable during regular busi-
11 ness hours and a dedicated email address for the sole pur-
12 pose of responding to prescribers’ questions and concerns
13 regarding verification requests. Such toll-free telephone
14 service shall maintain a sufficient number of working tele-
15 phone lines to enable ready access by prescribers to the
16 service.”.

17 **SEC. 3. PROHIBITION ON OVERFILLING CONTACT LENS**
18 **PRESCRIPTIONS.**

19 The Fairness to Contact Lens Consumers Act (15
20 U.S.C. 7601 et seq.) is further amended—

21 (1) by redesignating section 8 through 12 as
22 sections 9 through 13, respectively;

23 (2) in section 10(a) (as so redesignated), by
24 striking “section 8” and inserting “section 9”; and

1 (3) by inserting after section 7 the following
2 new section:

3 **“SEC. 8. PROHIBITION ON OVERFILLING CONTACT LENS**
4 **PRESCRIPTIONS.**

5 “No contact lens prescription shall be overfilled by
6 any seller of contact lenses. A seller who provides more
7 lenses than the prescription specifies, or who provides
8 more lenses than the number of lenses required to fill a
9 prescription for the period beginning on the date the pre-
10 scription is filled through its expiration date, shall be
11 deemed to have overfilled the prescription.”.

12 **SEC. 4. EXPANDED PENALTIES.**

13 Section 10(b) of the Fairness to Contact Lens Con-
14 sumers Act (15 U.S.C. 7608(b)) (as redesignated by sec-
15 tion 3) is amended by striking the period at the end and
16 inserting “, except that fines imposed for a violation of
17 section 4 of this Act may be in an amount up to \$100,000
18 per violation.”

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