

115TH CONGRESS
2D SESSION

H. R. 5472

To promote competition and help consumers save money by giving them the freedom to choose where they buy prescription pet medications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2018

Mr. COLLINS of New York (for himself and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To promote competition and help consumers save money by giving them the freedom to choose where they buy prescription pet medications, 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 “Fairness to Pet Own-
5 ers Act of 2018”.

6 **SEC. 2. APPLICABILITY.**

7 This Act shall only apply to medication for a domes-
8 ticated household animal that the Federal Government
9 bars consumers from purchasing without a prescription.

1 **SEC. 3. PET OWNER RIGHTS TO COPIES OF VETERINARY**
2 **PRESCRIPTIONS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Federal Trade Commission shall pro-
5 mulgate rules in accordance with section 553 of title 5,
6 United States Code, that include the following require-
7 ments with regard to a veterinary prescription:

8 (1) **IN GENERAL.**—A requirement that estab-
9 lishes the rights of pet owners prescribed an animal
10 drug to receive a copy of the veterinary prescription,
11 without having to request a copy.

12 (2) **ELECTRONIC OPTION.**—The rights provided
13 for in paragraph (1)—

14 (A) may be satisfied by receipt of the pre-
15 scription by electronic or other means; and

16 (B) shall include the right to have a copy
17 of the prescription provided by electronic or
18 other means consistent with applicable State
19 law, if requested by a pharmacy or any other
20 person designated to act on behalf of the pet
21 owner.

22 (3) **PURCHASE, PAYMENT, AND WAIVER.**—A re-
23 quirement that the prescriber of an animal drug—

24 (A) may not—

25 (i) require purchase of the animal
26 drug for which the veterinary prescription

1 was written from the prescriber or from
2 another person as a condition of providing
3 a copy of the veterinary prescription or
4 verifying such prescription under para-
5 graph (1);

6 (ii) require payment in addition to, or
7 as part of, the fee for an examination and
8 evaluation as a condition of providing a
9 copy of the veterinary prescription or
10 verifying such prescription under para-
11 graph (1); or

12 (iii) require the pet owner to sign a
13 waiver or disclaim liability, or deliver to
14 the pet owner a notice waiving or dis-
15 claiming liability of the prescriber for the
16 accuracy of the veterinary prescription, as
17 a condition of providing a copy of such
18 prescription or verifying such prescription
19 under paragraph (1); and

20 (B) may require payment of fees for an ex-
21 amination and evaluation before providing a
22 veterinary prescription, but only if the pre-
23 scriber requires immediate payment in the case
24 of an examination that reveals no requirement
25 for an animal drug.

1 **SEC. 4. ENFORCEMENT.**

2 A violation of a rule prescribed pursuant to section
3 3 of this Act shall be treated as a violation of a rule defin-
4 ing an unfair or deceptive act or practice prescribed under
5 section 18(a)(1)(B) of the Federal Trade Commission Act
6 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission
7 shall enforce this Act in the same manner, by the same
8 means, and with the same jurisdiction as though all appli-
9 cable terms and provisions of the Federal Trade Commis-
10 sion Act were incorporated into and made a part of this
11 Act.

12 **SEC. 5. DEFINITIONS.**

13 In this Act:

14 (1) ANIMAL DRUG.—The term “animal drug”
15 means a drug intended to be administered to an ani-
16 mal that may not be dispensed without a prescrip-
17 tion.

18 (2) DOMESTICATED HOUSEHOLD ANIMAL.—The
19 term “domesticated household animal” means a
20 companion animal permitted under applicable State
21 and local law to be kept in a home for noncommer-
22 cial purposes.

23 (3) PET OWNER.—The term “pet owner”
24 means the legal owner of a domesticated household
25 animal or a person designated by such owner to
26 present such animal to the prescriber for care.

1 (4) PRESCRIBER.—The term “prescriber”
2 means a health care practitioner who is licensed to
3 practice veterinary medicine or other person per-
4 mitted under State law to issue prescriptions for
5 animal drugs.

6 (5) VETERINARY PRESCRIPTION.—The term
7 “veterinary prescription”—

8 (A) means a written, oral, or electronic
9 order from a prescriber authorizing the dis-
10 pensing of an animal drug for use by a domes-
11 ticated household animal and normally adminis-
12 tered to the animal by its owner, issued in ac-
13 cordance with State and Federal law; and

14 (B) does not include an animal drug ad-
15 ministered by the veterinarian in the course of
16 providing acute care.

○