

115TH CONGRESS  
2D SESSION

# S. 2651

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2018

Mr. BLUMENTHAL (for himself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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 (a) REQUIREMENTS.—Not later than 180 days after  
4 the date of the enactment of this Act, the Federal Trade  
5 Commission shall promulgate rules in accordance with sec-  
6 tion 553 of title 5, United States Code, that include the  
7 following requirements with regard to a veterinary pre-  
8 scription:

9 (1) IN GENERAL.—A requirement that the pre-  
10 scriber of an animal drug shall—

11 (A) whether or not requested by the pet  
12 owner, provide to the pet owner, before offering  
13 to fill or dispensing, a veterinary prescription, a  
14 copy of the veterinary prescription; and

15 (B) provide a copy of the prescription, con-  
16 sistent with applicable State law, if requested  
17 by a pharmacy or any other person designated  
18 to act on behalf of the pet owner.

19 (2) PURCHASE, PAYMENT, AND WAIVER.—A re-  
20 quirement that the prescriber of an animal drug—

21 (A) may not—

22 (i) require purchase of the animal  
23 drug for which the veterinary prescription  
24 was written from the prescriber or from  
25 another person as a condition of providing  
26 a copy of the veterinary prescription or

1            verifying such prescription under para-  
2            graph (1);

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

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

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

23           (b) ELECTRONIC OPTIONS.—The Federal Trade  
24           Commission shall ensure that the requirements promul-  
25           gated under subparagraphs (A) and (B) of subsection

1 (a)(1) allow for the provision of copies of prescriptions by  
2 electronic or other means.

3 **SEC. 4. ENFORCEMENT.**

4 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A  
5 violation of a rule prescribed pursuant to section 3 of this  
6 Act shall be treated as a violation of a rule defining an  
7 unfair or deceptive act or practice prescribed under section  
8 18(a)(1)(B) of the Federal Trade Commission Act (15  
9 U.S.C. 57a(a)(1)(B)).

10 (b) POWERS OF COMMISSION.—

11 (1) IN GENERAL.—The Federal Trade Commis-  
12 sion shall enforce this Act in the same manner, by  
13 the same means, and with the same jurisdiction as  
14 though all applicable terms and provisions of the  
15 Federal Trade Commission Act (15 U.S.C. 41 et  
16 seq.) were incorporated into and made a part of this  
17 Act.

18 (2) PRIVILEGES AND IMMUNITIES.—Any person  
19 who violates a rule prescribed pursuant to section 3  
20 of this Act shall be subject to the penalties and enti-  
21 tled to the privileges and immunities provided in the  
22 Federal Trade Commission Act (15 U.S.C. 41 et  
23 seq.).

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

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

5           (2) DOMESTICATED HOUSEHOLD ANIMAL.—The  
6 term “domesticated household animal” means a  
7 companion animal permitted under applicable State  
8 and local law to be kept in a home for noncommer-  
9 cial purposes.

10          (3) PET OWNER.—The term “pet owner”  
11 means the legal owner of a domesticated household  
12 animal or a person designated by such owner to  
13 present such animal to the prescriber for care.

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

19          (5) VETERINARY PRESCRIPTION.—The term  
20 “veterinary prescription”—

21           (A) means a written, oral, or electronic  
22 order from a prescriber authorizing the dis-  
23 pensing of an animal drug for use by a domes-  
24 ticated household animal and normally adminis-

1           tered to the animal by its owner, issued in ac-  
2           cordance with State and Federal law; and

3                   (B) does not include an animal drug ad-  
4           ministered by the veterinarian in the course of  
5           providing acute care.

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