

August 14, 2012

Federal Trade Commission/Office of the Secretary  
600 Pennsylvania Avenue, N.W.  
Room H-113 (Annex X)  
Washington, DC 20580

Dear Secretary,

The Iowa Veterinary Medical Association believes that the enactment of proposed legislation H.R. 1406, Fairness to Pet Owners Act of 2011, is not necessary. The IVMA acknowledges that pet owners should have the ability to obtain prescription veterinary medicines in a fair manner by obtaining a prescription from a veterinarian. But, in fact, the IVMA believes that pet owners already have this ability and there are enough market forces in place or evolving to ensure that pet owners can obtain prescription medicines fairly without the need for federal legislation. And, in fact, the IVMA believes passage of this legislation, as written, would be detrimental to veterinarians, place unnecessary burdens on government agencies and would put pets at risk.

The IVMA's position is similar to the American Veterinary Medical Association position:

- The AVMA believes H.R.1406 is redundant and will cause undue regulatory and administrative burdens on veterinary practices. It is burdensome and unnecessary to require a written prescription be provided, as well as a written notification that the prescription may be filled elsewhere, regardless of whether or not the client is having the prescription filled by the veterinarian.
- The provision requiring verification of prescriptions, regardless of whether the pharmacy is accredited or licensed, places the veterinarian in both a legal and ethical dilemma. At the same time it puts the consumer at risk.
- H.R.1406 encroaches on state jurisdiction; state pharmacy and veterinary practice laws already govern compliance by veterinarians.

- Clients already have the flexibility to fill a prescription at their veterinary clinic or off-site at a pharmacy of their choice. The AVMA is supportive of a client's right to choose where they have their prescription filled.
- The AVMA believes that veterinarians are uniquely trained to provide the best professional guidance and education to pet owners when dispensing prescription products.

The IVMA believes that common sense should prevail in this issue:

- Veterinary practices in the state of Iowa are small, local businesses that support their communities and clients. H.R. 1406 would place unfair burdens on Iowa veterinarians in the form of regulatory red-tape, paper work and expense.
- This proposed bill, with its condemning language and confusing requirements, would cast an unwarranted doubt on the integrity of a profession traditionally regarded as one of the most respected and trustworthy in Iowa and the United States.
- H.R. 1406 would be expensive to initiate and enforce at this time when all government agency budgets are being reduced and regulatory agency burdens are already overwhelmed.
- Natural market forces will remedy this issue better than federal legislation.

The Federal Trade Commission has suggested there are similar issues between H.R.1406 and the Fairness to Contact Lens Consumers Act (FCLCA). In reality, comparing the two would put pet owners and their pets at risk.

- Contact lenses are a single commodity, dispensed by retailers thoroughly familiar with their products.
- There are hundreds of companion animal prescription medications labeled by the FDA for animal use as well as hundreds more human medications prescribed for companion animal use.
- There are multiple companion animal species with hundreds of breeds.
- There are a multitude of doses, contraindications, side effects, and drug interactions.
- The average pharmacist, unless they have had experience or advanced training, is not likely to have sufficient knowledge to dispense all of these medications safely or give adequate advice on their use to pet owners.

In summary, the Iowa Veterinary Medical Association believes H.R. 1406 would place onerous regulatory burdens on Iowa veterinarians. The Iowa Veterinary Medical Association believes market forces currently in place or evolving will accomplish the intended goals of the proposed legislation without the need for its enactment.

The Federal Trade Commission seeks comments on ways to inform and empower pet-owning consumers to obtain the highest quality and cost-effective healthcare products for their pets. The Iowa Veterinary Medical Association believes that dispensing of the large array of prescription companion animal medicines requires the special training of a veterinarian or the suitable, similar training of a pharmacist. The IVMA also believes that the current distribution system of prescription veterinary medicines to non-veterinarians invites the potential for fraud, deception and safety issues for pets and their owners and this system would intensify and increase the risks if unrestricted dispensing was enacted and forced by federal legislation.

Most importantly, unrestricted dispensing of prescription companion animal medicines will put pets at risk and makes pet-owners vulnerable.

Thank you for your consideration,

Respectfully submitted,

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Tom Johnson, DVM  
Executive Director