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September 14, 2012

U.S. Federal Trade Commission  
c/o Donald S. Clark,  
Commission Secretary  
Office of the Secretary  
Room H-113 [Annex X]  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

**RE: Comments for FTC October 2, 2012 Pet Medication Issues Workshop, Project No. P12-1201**

Dear Mr. Clark:

The Independent Pharmacy Alliance (IPA) is pleased to submit these comments to the Federal Trade Commission (FTC) for the October 2, 2012 workshop on Project No. P12-1201, "Pet Medications".

The Independent Pharmacy Alliance is a group purchasing organization and trade group representing the interest of over 2850 independently owned pharmacies in 20 states and the District of Columbia. We provide not only buying cooperative services to our member stores but also conduct third party payment support, continuing education and advocacy and public affairs at the federal and state level. Our organization's mission includes having a Government Affairs Division to advocate for public policies to ensure that independent pharmacies remain financially and operationally viable as crucial providers of important pharmacy services. Additionally, IPA has member stores who provide compounded prescriptions in various dosage forms that enable patients to better utilize their medications, either topically or internally. For these compounding independent pharmacies, a growing area for servicing pharmacy needs is in pet medications. Many owners seek compounded pet medications that can be ingested in liquid form or blended with pet foods to ensure better medication treatment and pet cooperation to ensure pet medication utilization.

IPA welcomes the interest of the FTC as to the need for greater portability of pet medication prescriptions. As noted in the Commission's notice of the workshop, the need to ensure consumer choice and competition for owners' access to pet medications is a significant issue and a growing need for U.S. pet owners. Not only do a growing number of U.S. households own pets, but their needs for medications for their pets are growing. Also, it is important for the Commission to recognize that most individuals directly for the costs of these medications out of their own pocket as pet healthcare coverage insurance is fairly limited. For that reason, ensuring that policies allow for the greatest consumer choice for how, when and where a pet owner obtains medication for their pets is directly related to giving consumers the greatest economic benefit from competition.

In many states, the practice of obtaining pet medications is governed in veterinarian profession practices law. Not surprisingly, many states give veterinarians great control and/or influence over how pet owners access pet medications. While many states give these owners the right to a prescription, often it is a passive right to request a prescription rather than the automatic requirement that a prescription be generated. And in many states, there is virtually no assurance that a pet owner will know they have the right to obtain a pet medication from a retail pharmacy rather than a veterinarian's office or a veterinary hospital. In many ways, these practices give the veterinarians' an undue influence over the pet owner's decisions on how they obtain pet medications. With these laws allowing veterinarians to essentially control the market of dispensing pet medications, pet owners are not given all the economic advantages of competition in filling these medications, nor the convenience and choice of when and where to fill these pet medications. Additionally, consumers are often limited to accessing the advantages of compounded pet medications to a vet office or hospital when there is no prescription generated. Again, the lack of a required prescription limits pet owner's choice, range of services, and can lead to higher costs because this "captive" approach eliminates the economic benefits of competition.

Since both the practice of veterinarian medicine and pharmacy are licensed professions in all states, ensuring policies that mandate prescriptions for pet medications and an affirmative freedom of choice for the owner in when and where to fill this prescription does not jeopardize pet health treatment or the need for veterinarian medical diagnoses decisions. As with human medication therapy, no pharmacy can fill a pet medication that is contrary to the medical decision of the prescribing professional. Indeed, state pharmacy practices laws require compliance with treatment directions of any prescriber for a living being, either human or animal.

While IPA does urge the Commission to endorse policies that give pet owners greater choice over access to pet medication and the economic benefits from greater competition than currently exists in the marketplace, we believe this cannot be achieved at the federal level. Since all health related professions are governed by a national system of state-based licensure & regulation, consumers & the marketplace would most benefit from the FTC endorsing in all state veterinarian licensure laws, and pharmacy practices act: 1) a mandate that all veterinarians be required to provide, upon examination of the pet a written or electronic prescription for all pet medications the veterinarians deems necessary for maintaining the animal's health; and 2) that all veterinarians must provide written notice of the pet owner's right to have that prescription fill either at a veterinarian facility or a licensed retail pharmacy at the choice and manner of the pet owner; and 3) requiring all licensed pet medication dispensaries' to adhere to all directions of the prescribing veterinarian. Since such bills are pending in many states legislatures, IPA requests the FTC to endorse these state freedom of pet medication choice bills.

IPA firmly believes that creating policies that give pet owners the right to a pet medication prescription and the freedom to choose the location, time and manner for filling these prescription at a state licensed facility - be it a veterinarian or pharmacy facility – ensure greater consumer choice while also giving these consumers the full advantage of economic price benefits from competition while not jeopardizing appropriate pet health treatment needs. This approach benefits both pet owners and their animals health well being.

Thank you for considering our views on the need for state based regulation on pet medication dispensing practices.

Sincerely,

  
John Covello  
Executive Director of Government and Public Affairs  
Independent Pharmacy Alliance