



PRESIDENT PRO TEMPORE  
CURTIS S. BRAMBLE

SIXTEENTH DISTRICT

## UTAH STATE SENATE

320 STATE CAPITOL • P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114  
801-538-1035 • [www.utahsenate.org](http://www.utahsenate.org)

3663 N. 870 E.  
PROVO, UT 84604  
(H) 801-226-3663  
(C) 801-361-5802  
(F) 801-812-8297  
[cbramble@le.utah.gov](mailto:cbramble@le.utah.gov)

October 26, 2015

Federal Trade Commission  
Office of the Secretary  
Constitution Center  
400 7<sup>th</sup> Street SW, 5<sup>th</sup> Floor, Suite 5610  
Washington, DC 20024

Re: Contact Lens Rule, 16 CFR part 315, Project No. R511995

To Whom It May Concern:

For more than a decade, I have been intimately involved in working to open the contact lens market to competition. Prior to the Fairness to Contact Lens Consumers Act, Utah passed legislation, along with California, that provided the impetus for the FCLCA. At the time, attorneys general in 32 states were suing the American Optometric Association and the major contact lens manufacturers for collusion. The result was a settlement that included a ban on the spurious and false claims that the AOA had made, among other items.

While the settlements expired, the spurious and false health claims have reemerged. In fact, last year, the Utah Legislature passed legislation that prohibited the anti-competitive pricing policies, known as Unilateral Pricing Policy, implemented by the contact lens manufacturers that intended to limit competition and curry favor with the prescribing eye care providers – who in this unique market happen to be the end customer of the contact lens manufacturers.

Because of the unique aspects of this industry and the real – or perceived – conflict of interest that exists, the Contact Lens Rule is critical to protecting consumers who purchase these products. The most important aspect of the CLR and the underlying FCLCA is automatic prescription release. The portability of a prescription is commonplace in almost every area where a prescription is needed, but often times it is hampered by the conflict that exists when a prescribing eye care provider has the opportunity to profit from the very product they're prescribing.

As the Commission reviews the CLR, understand that it has allowed for consumers to benefit by providing options and encouraging competition. However, the

important aspect of automatic prescription release needs to be fully enforced for the full potential of the CLR to be realized.

Sincerely,

  
Curt Bramble  
Utah State Senator, District 16  
President of the National Conference of State Legislatures