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Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW, Suite CC-5610 (Annex C)
Washington, DC 200580

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

To Whom It May Concern:

As I previously wrote in my comments to the Federal Trade Commission (“Commission”) in October 2015, I have been intimately involved in working to open the contact lens market to competition for more than a decade. Prior to the Fairness to Contact Lens Consumers Act (FCLCA), I sponsored legislation in Utah that provided the impetus for the FCLCA, along with similar legislation in California. At that time, the legislation was largely in response to action from 32 state attorneys general who alleged collusion between the American Optometric Association and contact lens manufacturers. State legislation and the FCLCA has led to growing competition in a market that has historically been anti-competitive in nature.

The anti-competitive nature of the contact lens industry was just recently documented by the 10th Circuit Court of Appeals. In an opinion issued in December 2016, the 10th Circuit stated that, “*the contact-lens industry is anticompetitive, partly because eye-care professionals prescribe, and often sell, brand-specific contact-lenses. It noted that “[i]n almost no other medical context does the prescriber of a medical device have the power to control both the brand the patient must use and also sell the particular medical device in the same breath.*”¹

With this backdrop, I am encouraged by, and support, the Commission’s proposal to strengthen prescription release by requiring prescribers to prove that they are releasing contact lens prescriptions. Any steps that the Commission can take to ensure compliance with the FCLCA and the Contact Lens Rule will benefit consumers across the nation, and encourage competition.

Sincerely,

Curtis S. Bramble

¹ *Johnson and Johnson v. Sean Reyes*, (December 19, 2016) (Nos. 15-4071, 15-4072 & 15-4073 (D.C. Nos. 2:15-CV-00252-DB, 2:15-CV-00257-DB, 2:15-CV-00259-DB) (D. Utah)