

United States Senate

March 23, 2018

The Honorable Maureen K. Ohlhausen
Acting Chairwoman
Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, DC 20580

Dear Acting Chairwoman Ohlhausen:

I am writing to share concerns I have heard regarding the Federal Trade Commission's (FTC) proposed amendments to the Contact Lens Rule. As you are aware, the Fairness to Contact Lens Consumers Act (FCLCA) gave the FTC an important role in ensuring competition in the contact lens industry – an industry that is critically important to millions of American consumers.

Free access to a competitive market is vital for consumers and contact lens prescribers are, as you also know, already required to provide consumers with a copy of their contact lens prescription. The proposed amendments to the Contact Lens Rule, published in December 2016 would take that requirement an unnecessary step further by mandating that prescribers obtain from patients a signed document indicating that the patient received a copy of their prescription. The proposed amendment also requires the prescriber keep this paperwork for at least three years.

While I understand that the goal of these amendments is to ensure contact lens prescribers are following the letter of the law, and patients are receiving the tools necessary to use the free market, I am concerned that this regulation is duplicative and unnecessary. In rural states like my home state of Montana, physicians can be few and far between. Saddling them with additional paperwork does little to increase Montanans' access to doctors who try to see as many patients as possible. Additionally, the costs associated with this proposed regulation will harm smaller practices like many of those found in Montana. The FTC has estimated that this amendment would cost the industry about \$10.5 million, which is particularly concerning for small Montana practices.

I request that the FTC reconsider the proposed amendments and instead work with contact lens prescribers, providers and patients to ensure that any regulations regarding prescription availability promote competition without unnecessarily burdening patient access.

Sincerely,



STEVE DAINES
United States Senator