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November 19, 2018

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580-0001

Dear Chairman Simons:

I write to you today about the Fairness to Contact Lens Consumers Act (FCLCA) of 2004 and the Federal Trade Commission's (FTC) recent proposed rule that would require eye doctors to obtain from their patients and then keep on file a written acknowledgement that the patient received a copy of the contact lens prescription as required under the FCLCA. While I applaud the FTC's willingness to ensure that patients are well informed of their rights, I believe there is a better way to protect consumers while promoting competition in the contact lens market.

I agree with the FTC that patients should know about their rights under the FCLCA and understand that they can fill their contact lens prescription either in their eye doctor's office or elsewhere. However, I am concerned that the rule may place an administrative strain on doctors and place unnecessary implementation fees on small businesses.

As the FTC moves closer to finalizing its proposal, I would encourage the Commission to consider other options, including requiring the posting of signage instead of imposing a new paperwork requirement on doctors and patients. By doing this, the FTC would promote a more common-sense way to help ensure that contact lens consumers can make the best decisions for their vision health.

Thank you for your consideration.

Sincerely,



Martin Heinrich
United States Senator

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