Supplemental Notice of Proposed Rulemaking (SNPRM) to the Federal Trade Commission’s (FTC) Contact Lens Rule

**Prescription Alteration**

- **Definition of “prescription alteration”:** We showed our strong support for FTC’s proposal to expand the definition of prescription alteration to specifically include brand and manufacturer. Aspects of a contact lens prescription – like the shape of the lens and the material used in each brand – are critical to protecting a patient’s eye health. If finalized, this update will prohibit sellers from substituting for a brand or manufacturer that was not prescribed to the patient by their doctor.

- **Prescription presentations to sellers:** We showed our support for FTC’s proposal to require that sellers have a mechanism for patients to directly upload and share their prescriptions with a seller—creating a stronger prescription “paper trail” and helping to reduce sellers’ reliance on the passive verification process to protect patient health and safety and contribute to the accurate dispensing of prescriptions.

- **Maintaining the term “private label”:** As we shared in past comments, we requested that FTC maintain the term “private label” to expressly indicate that is the only instance in which contact lens substitution is permissible (i.e., when the lenses are made by the same manufacturer, but sold under a different name) to ensure patients receive the lenses prescribed by their eye care professional that best and most safely meet a patient’s needs.

**Prescription Verification**

- **Use of automated robocalls:** We asked FTC to eliminate robocalls as a permissible form of prescription verification and requested that if FTC decides to continue to permit them, that the Commission place additional requirements on sellers to ensure these calls are not burdensome to doctors and better promote patient health and safety.

**Automatic Prescription Release**

- **Prescription release:** We asked FTC to apply the prescriber requirement for prescription release to all prescribers—not just those with a direct financial interest in the sale of contact lenses. This will ensure that as contractual agreements between prescribers and sellers change, patients can always be sure they will receive a copy of their prescription.

**Additional Recommendation**

- **Promoting digital mechanisms to ensure prescription accuracy:** We requested that FTC add clarifying language to the updated Rule underscoring the Commission’s intention to promote the use of technology to ensure a strong paper trail, fewer errors, and reduced reliance on the passive verification process to protect patient health and safety and contribute to the accurate dispensing of prescriptions.