

September 15, 2006

SCHAKOWSKY FOCUSES ON CONTACT LENS POLICY

WASHINGTON, DC -- U.S. Representative Jan Schakowsky, ranking member on the Subcommittee on Commerce, Trade, and Consumer Protection, at a hearing before the Subcommittee today called for consumers' interests to be met so that they have access to safe and affordable contact lenses:

Thank you, Chairman Stearns for holding today's hearing to examine the status of contact lens sales now that the Fairness to Contact Lens Consumers Act has been law for nearly three years. As you mentioned, that bill went through our Subcommittee and I am proud to have been a cosponsor of it. It is a pro-consumer law that guarantees the thirty-six million contact lens users in this country are provided with a copy of their prescription from their doctor so they will have the freedom to shop for the best deal possible when filling their contact lens needs.

Despite the success for consumers this law represents, reports have been surfacing - from eye care practitioners, manufacturers, and contact lens sellers- that there are still problems in the prescription lens business. Eye care practitioners are concerned that sellers are abusing the verification system, by making it difficult for eye doctors to authenticate prescriptions and also by filling prescriptions without ensuring their validity. Manufacturers are concerned about legislation that would force them to offer their products to any distributor that wants them, regardless of their reliability. No other manufacturing field has such a restriction. And, online distributors claim that because we did not include language in the Fairness to Contact Lens Consumers Act to require that all lenses are made available to them, eye doctors and manufacturers are trying to keep them out of the loop they say.

Since the passage of the Fairness to Contact Lens Consumers Act, the Federal Trade Commission has had to issue warning letters in a number of instances. In the early days of this law, some were issued to eye care practitioners for not providing prescriptions to consumers. In 2004, online sellers were issued warnings for not having open fax lines for eye care practitioners to verify prescriptions and for falsely claiming that cosmetic or colored lenses are non-prescription. The FTC has also had to take law enforcement action against sellers who were found to be not verifying prescriptions.

These problems - whether they represent widespread problems or are attributable to a few bad

actors - are quite serious. It is consumers' health, safety, and choice that are jeopardized by those violations and it is never acceptable to compromise consumers in the desire to make a buck by a multi-billion dollar industry.

As legislators, we have a duty to make sure that consumers' interests are being met, that they have access to safe and affordable contact lenses, and that those principles guide us in whatever we decide to do. And, as key players in the eye care industry, it is the practitioners, manufacturers, and sellers' duty to also be guided by those principles - and to not try to push the law to its limit. We have run into some bumps in the road, but I believe that since the FTC has been able to take action under the Fairness to Contact Lens Consumers Act, we cannot claim the law is not working or that we need new legislation. Consumers are getting their prescriptions and are able to shop around for their lenses.

I am glad that we are holding today's hearing to investigate these complaints and to determine what needs to be done to ensure that we protect consumer health and safety. Thank you.