

HR 3140

Fairness to Contact Lens Consumers Act

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Sep 23, 2003

Current Status: Became Public Law No: 108-164.

Latest Action: Became Public Law No: 108-164. (Dec 6, 2003)

Law: 108-164 (Enacted Dec 6, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/3140>

Sponsor

Name: Rep. Burr, Richard [R-NC-5]

Party: Republican • **State:** NC • **Chamber:** Senate

Cosponsors (17 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bishop, Rob [R-UT-1]	R · UT		Sep 23, 2003
Rep. Dingell, John D. [D-MI-15]	D · MI		Sep 23, 2003
Rep. Gibbons, Jim [R-NV-2]	R · NV		Sep 23, 2003
Rep. Matheson, Jim [D-UT-2]	D · UT		Sep 23, 2003
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Sep 23, 2003
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Sep 23, 2003
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Sep 23, 2003
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Sep 23, 2003
Rep. Tauzin, W. J. (Billy) [R-LA-3]	R · LA		Sep 23, 2003
Rep. Towns, Edolphus [D-NY-10]	D · NY		Sep 23, 2003
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Sep 23, 2003
Rep. Bono, Mary [R-CA-45]	R · CA		Sep 24, 2003
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Sep 24, 2003
Rep. Shimkus, John [R-IL-19]	R · IL		Sep 24, 2003
Rep. Davis, Jim [D-FL-11]	D · FL		Oct 2, 2003
Rep. Carter, John R. [R-TX-31]	R · TX		Oct 7, 2003
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Oct 7, 2003

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Sep 24, 2003

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
108 HR 2221	Related bill	Sep 9, 2003: Subcommittee Hearings Held.

Summary (as of Dec 6, 2003)

Fairness to Contact Lens Consumers Act - (Sec. 2) Requires a contact lens prescriber (a person permitted under State law to issue prescriptions for contact lenses) to provide a patient with a copy of their contact lens prescription, whether or not requested by the patient, and verify the prescription's accuracy, or make necessary corrections, to a contact lens seller or any person designated by the patient. Prohibits a prescriber from: (1) requiring patients to purchase contact lenses from the prescriber; (2) charging an additional fee for a copy of the prescription; (3) requiring the patient to sign a waiver; and (4) disclaiming liability or responsibility for the accuracy of the eye examination.

(Sec. 3) Allows a prescriber to withhold the contact lens prescription until the prescriber receives payment or proof of insurance coverage only if the prescriber also requires immediate payment from a patient not needing any ophthalmic goods.

(Sec. 4) Allows a seller to fill a prescription for contact lenses only when: (1) a seller receives a contact lens prescription directly or by facsimile; (2) a seller verifies a prescription by direct communication with the prescriber; or (3) the prescriber fails to respond to the seller within eight business hours after being contacted by the seller with the prescription information. Requires a seller to maintain a record of all such communication with a patient or a prescriber.

(Sec. 5) Declares that a contact lens prescription shall expire on the date specified by the law of the State in which it is written, but not less than one year after the issue date of the prescription. Permits an exception for a patient's ocular health.

(Sec. 6) Prohibits advertising that represents that contact lenses may be obtained without a prescription.

(Sec. 8) Requires the Federal Trade Commission (FTC) to prescribe rules to carry out this Act.

(Sec. 9) States that any violation of this Act shall be treated as a violation of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.

(Sec. 10) Requires the FTC to report to Congress on: (1) exclusive relationships between prescribers or sellers and contact lens manufacturers and the impact such relationships have on competition; (2) differences between online and off-line sellers of contact lenses; (3) contact lens prescriptions that specify brand name and their impact on competition; (4) the FTC eyeglasses rule, its enforcement, and its impact on competition; and (5) any other issue that affects competition in the sale of contact lenses.

Actions Timeline

- **Dec 6, 2003:** Signed by President.
- **Dec 6, 2003:** Became Public Law No: 108-164.
- **Nov 26, 2003:** Presented to President.
- **Nov 21, 2003:** Message on Senate action sent to the House.
- **Nov 20, 2003:** Passed/agreed to in Senate: Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(consideration: CR S15310)
- **Nov 20, 2003:** Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR S15310)
- **Nov 19, 2003:** Mr. Burr moved to suspend the rules and pass the bill, as amended.
- **Nov 19, 2003:** Considered under suspension of the rules. (consideration: CR H11561-11565; text of measure as reported in House: CR H11561-11562)
- **Nov 19, 2003:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3140.
- **Nov 19, 2003:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Nov 19, 2003:** Considered as unfinished business. (consideration: CR H11595)
- **Nov 19, 2003:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 406 - 12 (Roll no. 644).
- **Nov 19, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 19, 2003:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 406 - 12 (Roll no. 644).
- **Oct 15, 2003:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 108-318.
- **Oct 15, 2003:** Placed on the Union Calendar, Calendar No. 192.
- **Oct 1, 2003:** Committee Consideration and Mark-up Session Held.
- **Oct 1, 2003:** Ordered to be Reported (Amended) by Voice Vote.
- **Sep 24, 2003:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Sep 24, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 24, 2003:** Forwarded by Subcommittee to Full Committee by Voice Vote.
- **Sep 23, 2003:** Introduced in House
- **Sep 23, 2003:** Referred to the House Committee on Energy and Commerce.

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