

treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

**(b) Actions by the Commission**

The Federal Trade Commission shall enforce this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this chapter.

(Pub. L. 108-164, §9, Dec. 6, 2003, 117 Stat. 2026.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

**§ 7609. Study and report**

**(a) Study**

The Federal Trade Commission shall undertake a study to examine the strength of competition in the sale of prescription contact lenses. The study shall include an examination of the following issues:

- (1) Incidence of exclusive relationships between prescribers or sellers and contact lens manufacturers and the impact of such relationships on competition.
- (2) Difference between online and offline sellers of contact lenses, including price, access, and availability.
- (3) Incidence, if any, of contact lens prescriptions that specify brand name or custom labeled contact lenses, the reasons for the incidence, and the effect on consumers and competition.
- (4) The impact of the Federal Trade Commission eyeglasses rule (16 CFR 456 et seq.) on competition, the nature of the enforcement of the rule, and how such enforcement has impacted competition.
- (5) Any other issue that has an impact on competition in the sale of prescription contact lenses.

**(b) Report**

Not later than 12 months after the effective date of this chapter, the Chairman of the Federal Trade Commission shall submit to the Congress a report of the study required by subsection (a).

(Pub. L. 108-164, §10, Dec. 6, 2003, 117 Stat. 2026.)

REFERENCES IN TEXT

For effective date of this chapter, referred to in subsec. (b), see section 12 of Pub. L. 108-164, set out as an Effective Date note under section 7601 of this title.

**§ 7610. Definitions**

As used in this chapter:

**(1) Contact lens fitting**

The term “contact lens fitting” means the process that begins after the initial eye examination and ends when a successful fit has been

achieved or, in the case of a renewal prescription, ends when the prescriber determines that no change in prescription is required, and such term may include—

- (A) an examination to determine lens specifications;
- (B) except in the case of a renewal of a prescription, an initial evaluation of the fit of the lens on the eye; and
- (C) medically necessary follow up examinations.

**(2) Prescriber**

The term “prescriber” means, with respect to contact lens prescriptions, an ophthalmologist, optometrist, or other person permitted under State law to issue prescriptions for contact lenses in compliance with any applicable requirements established by the Food and Drug Administration.

**(3) Contact lens prescription**

The term “contact lens prescription” means a prescription, issued in accordance with State and Federal law, that contains sufficient information for the complete and accurate filling of a prescription, including the following:

- (A) Name of the patient.
- (B) Date of examination.
- (C) Issue date and expiration date of prescription.
- (D) Name, postal address, telephone number, and facsimile telephone number of prescriber.
- (E) Power, material or manufacturer or both.
- (F) Base curve or appropriate designation.
- (G) Diameter, when appropriate.
- (H) In the case of a private label contact lens, name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name.

(Pub. L. 108-164, §11, Dec. 6, 2003, 117 Stat. 2027.)

**CHAPTER 103—CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING**

Sec.	
7701.	Congressional findings and policy.
7702.	Definitions.
7703.	Prohibition against predatory and abusive commercial e-mail.
7704.	Other protections for users of commercial electronic mail.
7705.	Businesses knowingly promoted by electronic mail with false or misleading transmission information.
7706.	Enforcement generally.
7707.	Effect on other laws.
7708.	Do-Not-E-Mail registry.
7709.	Study of effects of commercial electronic mail.
7710.	Improving enforcement by providing rewards for information about violations; labeling.
7711.	Regulations.
7712.	Application to wireless.
7713.	Separability.

**§ 7701. Congressional findings and policy**

**(a) Findings**

The Congress finds the following:

- (1) Electronic mail has become an extremely important and popular means of communica-