

priate subgroup designated by the Council under section 7501(c) of this title.

(5) Advanced technology user facility

The term “advanced technology user facility” means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis.

(6) Program component area

The term “program component area” means a major subject area established under section 7501(c)(2) of this title under which is¹ grouped related individual projects and activities carried out under the Program.

(Pub. L. 108–153, § 10, Dec. 3, 2003, 117 Stat. 1931.)

CHAPTER 102—FAIRNESS TO CONTACT LENS CONSUMERS

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§ 7601. Availability of contact lens prescriptions to patients

(a) In general

When a prescriber completes a contact lens fitting, the prescriber—

- (1) whether or not requested by the patient, shall provide to the patient a copy of the contact lens prescription; and
- (2) shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription by electronic or other means.

(b) Limitations

A prescriber may not—

- (1) require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2);
- (2) require payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2); or
- (3) require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

(Pub. L. 108–164, § 2, Dec. 6, 2003, 117 Stat. 2024.)

EFFECTIVE DATE

Pub. L. 108–164, § 12, Dec. 6, 2003, 117 Stat. 2028, provided that: “This Act [enacting this chapter and provi-

¹ So in original. Probably should be “are”.

sions set out as a note below] shall take effect 60 days after the date of the enactment of this Act [Dec. 6, 2003].”

SHORT TITLE

Pub. L. 108–164, § 1, Dec. 6, 2003, 117 Stat. 2024, provided that: “This Act [enacting this chapter and provisions set out as a note above] may be cited as the ‘Fairness to Contact Lens Consumers Act’.”

§ 7602. Immediate payment of fees in limited circumstances

A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods. For purposes of the preceding sentence, presentation of proof of insurance coverage for that service shall be deemed to be a payment.

(Pub. L. 108–164, § 3, Dec. 6, 2003, 117 Stat. 2024.)

EFFECTIVE DATE

Section effective 60 days after Dec. 6, 2003, see section 12 of Pub. L. 108–164, set out as a note under section 7601 of this title.

§ 7603. Prescriber verification

(a) Prescription requirement

A seller may sell contact lenses only in accordance with a contact lens prescription for the patient that is—

- (1) presented to the seller by the patient or prescriber directly or by facsimile; or
- (2) verified by direct communication.

(b) Record requirement

A seller shall maintain a record of all direct communications referred to in subsection (a).

(c) Information

When seeking verification of a contact lens prescription, a seller shall provide the prescriber with the following information:

- (1) Patient’s full name and address.
- (2) Contact lens power, manufacturer, base curve or appropriate designation, and diameter when appropriate.
- (3) Quantity of lenses ordered.
- (4) Date of patient request.
- (5) Date and time of verification request.
- (6) Name of contact person at seller’s company, including facsimile and telephone number.

(d) Verification events

A prescription is verified under this chapter only if one of the following occurs:

- (1) The prescriber confirms the prescription is accurate by direct communication with the seller.
- (2) The prescriber informs the seller that the prescription is inaccurate and provides the accurate prescription.
- (3) The prescriber fails to communicate with the seller within 8 business hours, or a similar time as defined by the Federal Trade Commission, after receiving from the seller the information described in subsection (c).

(e) Invalid prescription

If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens