

§ 7605. Content of advertisements and other representations

Any person that engages in the manufacture, processing, assembly, sale, offering for sale, or distribution of contact lenses may not represent, by advertisement, sales presentation, or otherwise, that contact lenses may be obtained without a prescription.

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

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.

§ 7606. Prohibition of certain waivers

A prescriber may not place on the prescription, or require the patient to sign, or deliver to the patient a form or notice waiving or disclaiming the liability or responsibility of the prescriber for the accuracy of the eye examination. The preceding sentence does not impose liability on a prescriber for the ophthalmic goods and services dispensed by another seller pursuant to the prescriber's correctly verified prescription.

(Pub. L. 108-164, § 7, Dec. 6, 2003, 117 Stat. 2026.)

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.

§ 7607. Rulemaking by Federal Trade Commission

The Federal Trade Commission shall prescribe rules pursuant to section 57a of this title to carry out this chapter. Rules so prescribed shall be exempt from the requirements of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 et seq.). Any such regulations shall be issued in accordance with section 553 of title 5. The first rules under this section shall take effect not later than 180 days after the effective date of this chapter.

(Pub. L. 108-164, § 8, Dec. 6, 2003, 117 Stat. 2026.)

REFERENCES IN TEXT

The Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, referred to in text, is Pub. L. 93-637, Jan. 4, 1975, 88 Stat. 2183, as amended. Title I of the Act is classified generally to chapter 50 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

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

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.

§ 7608. Violations

(a) In general

Any violation of this chapter or the rules required under section 7607 of this title shall be 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.

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.

§ 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.

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.

§ 7610. Definitions

As used in this chapter: