

(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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

Statutory Notes and Related Subsidiaries

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 prescription is inaccurate, expired, or otherwise invalid, the seller shall not fill the prescription. The prescriber shall specify the basis for the inaccuracy or invalidity of the prescription. If the prescription communicated by the seller to the prescriber is inaccurate, the prescriber shall correct it.

(f) No alteration

A seller may not alter a contact lens prescription. Notwithstanding the preceding sentence, if the same contact lens is manufactured by the same company and sold under multiple labels to individual providers, the seller may fill the prescription with a contact lens manufactured by that company under another label.

(g) Direct communication

As used in this section, the term “direct communication” includes communication by telephone, facsimile, or electronic mail.

(Pub. L. 108-164, §4, Dec. 6, 2003, 117 Stat. 2024.)

Statutory Notes and Related Subsidiaries

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.

§ 7604. Expiration of contact lens prescriptions

(a) In general

A contact lens prescription shall expire—

(1) on the date specified by the law of the State in which the prescription was written, if that date is one year or more after the issue date of the prescription;

(2) not less than one year after the issue date of the prescription if such State law specifies no date or a date that is less than one year after the issue date of the prescription; or

(3) notwithstanding paragraphs (1) and (2), on the date specified by the prescriber, if that date is based on the medical judgment of the prescriber with respect to the ocular health of the patient.