



Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

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Related Documents

FTC Staff Testifies Before Connecticut Board of Examiners for Opticians

Explains How Additional Regulation of Replacement Contact Lenses Will Likely Increase Consumer Costs, Decrease Consumer Convenience, and Suppress E-Commerce

Reiterating the position of the staff of the Federal Trade Commission that overly restrictive interpretations of statutes and regulations may significantly limit competition from Internet sellers and increase consumer costs, the Commission's Office of Policy Planning (OPP) testified today before the Connecticut Board of Examiners for Opticians regarding Connecticut laws related to the sale of replacement contact lenses.

Today's testimony was provided as part of a declaratory ruling proceeding on the interpretation and applicability of various statutes and regulations concerning the sale of such lenses. The Commission staff submitted a written comment to the Board on this subject in March in its capacity as an intervenor in the proceeding. At today's declaratory ruling hearing, FTC staff also were available to answer questions regarding their written submission. The FTC staff consulted with the Connecticut Attorney General's office on Connecticut state law issues in preparing the testimony and written comments. OPP Director Ted Cruz and Deputy Director Jerry Ellig presented the agency staff's views and responded to questions from the Board at today's hearing.

In its proceeding, the Board is considering three issues on which it previously sought comments: 1) Whether a contact lens seller located in Connecticut is in compliance with state laws if it sells lenses to Connecticut residents without a Connecticut optician license and optical establishment permit, or an optometric or medical license; 2) Whether a contact lens seller located outside Connecticut is in compliance with state law if it sells lenses to Connecticut residents and does not hold a Connecticut optician license and optical establishment permit, or an optometric or medical license; and 3) Whether a contact lens seller, whether in-state or out-of-state, that sells lenses to a Connecticut consumer without first receiving a prescription from a licensed physician or optometrist is in compliance with Connecticut law.

According to the written comments, which are available on the FTC's Web site, restrictive interpretations of the statute seriously may limit competition by Internet, telephone, and mail-order sellers of contact lenses, increase consumer costs, and diminish consumer convenience without providing an offsetting benefit to either public health or safety. Such an interpretation, the FTC staff concluded, could raise replacement contact lens prices for some consumers and diminish consumers' ability to buy their lenses via

[State of Connecticut: Department of Public Health: Connecticut Board of Examiners for Opticians: In re: Declaratory Ruling Proceeding On the Interpretation and Applicability of Various Statutes and Regulations Concerning the Sale of Contact Lenses, V020007 \(March 27, 2002\)](#)



telephone, mail order, or over the Internet.

In addition, as the March comments state, requiring stand-alone sellers of replacement contacts to obtain Connecticut optician's and optical establishment licenses "would likely increase consumer costs while producing no offsetting health benefits." "Indeed," FTC staff concluded, "such licensing could harm public health by raising the cost of replacement contact lenses, inducing consumers to replace the lenses less frequently than doctors recommend or to substitute other forms of contact lenses that pose greater health risks."

The Commission vote authorizing staff to present testimony before the Board was 5-0. The testimony reflected the FTC staff's prior comments, submitted to the Board on March 27, 2002. (See press release dated March 28, 2002)

NOTE: The views expressed in the testimony and comments are those of the staff of the FTC's Bureau of Consumer Protection and the Office of Policy Planning, and do not necessarily represent those of the Commission or any individual commissioner.

Copies of the staff comments are available from the FTC's Web site at <http://www.ftc.gov> and also from the FTC's Consumer Response Center, Room 130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint, or to get free information on any of 150 consumer topics, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at <http://www.ftc.gov>. The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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(<http://www.ftc.gov/opa/2002/06/junconlen.htm>)