

# Supplemental Notice of Proposed Rulemaking (SNPRM) to the Federal Trade Commission's (FTC) Contact Lens Rule

*Highlights from Johnson & Johnson Vision's official comments on the SNPRM as part of our broader commitment to support growth and competition in the contact lens marketplace, while prioritizing eye health and safety.*

## Prescription Alteration

- ✓ **Definition of “prescription alteration”**: We showed our strong support for FTC’s proposal to expand the definition of prescription alteration to specifically include brand and manufacturer. **Aspects of a contact lens prescription – like the shape of the lens and the material used in each brand – are critical to protecting a patient’s eye health. If finalized, this update will prohibit sellers from substituting for a brand or manufacturer that was not prescribed to the patient by their doctor.**
- ✓ **Prescription presentations to sellers**: We showed our support for FTC’s proposal to require that sellers have a mechanism for patients to directly upload and share their prescriptions with a seller—**creating a stronger prescription “paper trail” and helping to reduce sellers’ reliance on the passive verification process to protect patient health and safety and contribute to the accurate dispensing of prescriptions.**
- ✓ **Maintaining the term “private label”**: As we shared in past comments, we requested that FTC maintain the term “private label” to **expressly indicate that is the only instance in which contact lens substitution is permissible** (i.e., when the lenses are made by the same manufacturer, but sold under a different name) **to ensure patients receive the lenses prescribed by their eye care professional that best and most safely meet a patient’s needs.**

## Prescription Verification

- ✓ **Use of automated robocalls**: We asked FTC to eliminate robocalls as a permissible form of prescription verification and requested that if FTC decides to continue to permit them, that the Commission **place additional requirements on sellers to ensure these calls are not burdensome to doctors and better promote patient health and safety.**

## Automatic Prescription Release

- ✓ **Prescription release**: We asked FTC to apply the prescriber requirement for prescription release to all prescribers—not just those with a direct financial interest in the sale of contact lenses. This will ensure **that as contractual agreements between prescribers and sellers change, patients can always be sure they will receive a copy of their prescription.**

## Additional Recommendation

- ✓ **Promoting digital mechanisms to ensure prescription accuracy**: We requested that FTC add clarifying language to the updated Rule underscoring the Commission's intention to promote the use of technology to ensure a strong paper trail, fewer errors, and reduced reliance on the passive verification process **to protect patient health and safety and contribute to the accurate dispensing of prescriptions.**