To promote competition and help consumers save money by giving them
the freedom to choose where they buy prescription pet medications,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Mr. BLUMENTHAL (for himself, Mr. LEE, and Mr. SCHUMER) introduced the
following bill; which was read twice and referred to the Committee on
Commerce, Science, and Transportation

A BILL

To promote competition and help consumers save money
by giving them the freedom to choose where they buy
prescription pet medications, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Fairness to Pet Own-
5 ers Act of 2015”.
6 SEC. 2. APPLICABILITY.
7 This Act shall only apply to medication for a domes-
8 ticated household animal that the Federal Government
prevents consumers from purchasing without a prescription.

SEC. 3. RULES ON VETERINARY PRESCRIPTIONS.

Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, that include the following requirements with regard to a veterinary prescription:

(1) IN GENERAL.—A requirement that the prescriber of an animal drug shall—

(A) whether or not requested by the pet owner, provide to the pet owner, before offering to fill or dispensing, a veterinary prescription, a copy of the veterinary prescription, including by electronic or other means;

(B) provide a copy of the prescription by electronic or other means consistent with applicable State law, if requested by a pharmacy or any other person designated to act on behalf of the pet owner; and

(C) upon request by a pharmacy or any other person designated to act on behalf of the pet owner, verify the prescription.

(2) PURCHASE, PAYMENT, AND WAIVER.—A requirement that the prescriber of an animal drug—
(A) may not—

(i) require purchase of the animal
drug for which the veterinary prescription
was written from the prescriber or from
another person as a condition of providing
a copy of the veterinary prescription or
verifying such prescription under para-
graph (1);

(ii) require payment in addition to, or
as part of, the fee for an examination and
evaluation as a condition of providing a
copy of the veterinary prescription or
verifying such prescription under para-
graph (1); or

(iii) require the pet owner to sign a
waiver or disclaim liability, or deliver to
the pet owner a notice waiving or dis-
claiming liability of the prescriber for the
accuracy of the veterinary prescription, as
a condition of providing a copy of such
prescription or verifying such prescription
under paragraph (1); and

(B) may require payment of fees for an ex-
amination and evaluation before providing a
veterinary prescription, but only if the pre-
scriber requires immediate payment in the case of an examination that reveals no requirement for an animal drug.

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a rule prescribed pursuant to section 3 of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) POWERS OF COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction 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 Act.

(2) PRIVILEGES AND IMMUNITIES.—Any person who violates a rule prescribed pursuant to section 3 of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).
SEC. 5. DEFINITIONS.

In this Act:

(1) Animal drug.—The term “animal drug” means a drug intended to be administered to an animal that may not be dispensed without a prescription.

(2) Domesticated household animal.—The term “domesticated household animal” means a companion animal permitted under applicable State and local law to be kept in a home for noncommercial purposes.

(3) Pet owner.—The term “pet owner” means the legal owner of a domesticated household animal or a person designated by such owner to present such animal to the prescriber for care.

(4) Prescriber.—The term “prescriber” means a health care practitioner who is licensed to practice veterinary medicine or other person permitted under State law to issue prescriptions for animal drugs.

(5) Veterinary prescription.—The term “veterinary prescription”—

(A) means a written, oral, or electronic order from a prescriber authorizing the dispensing of an animal drug for use by a domesticated household animal and normally adminis-
tered to the animal by its owner, issued in ac-
cordance with State and Federal law; and

(B) does not include an animal drug ad-
ministered by the veterinarian in the course of
providing acute care.