

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2756

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

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

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## 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 2014”.

6 **SEC. 2. APPLICABILITY.**

7 This Act shall only apply to medication for a domes-  
8 ticated household animal that the Federal Government

1 prevents consumers from purchasing without a prescrip-  
2 tion.

3 **SEC. 3. RULES ON VETERINARY PRESCRIPTIONS.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the Federal Trade Commission shall pro-  
6 mulgate rules in accordance with section 553 of title 5,  
7 United States Code, that include the following require-  
8 ments with regard to a veterinary prescription:

9 (1) IN GENERAL.—A requirement that the pre-  
10 scriber of an animal drug shall—

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

16 (B) provide a copy of the prescription by  
17 electronic or other means consistent with appli-  
18 cable State law, if requested by a pharmacy or  
19 any other person designated to act on behalf of  
20 the pet owner; and

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

24 (2) PURCHASE, PAYMENT, AND WAIVER.—A re-  
25 quirement that the prescriber of an animal drug—

1 (A) may not—

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

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

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

23 (B) may require payment of fees for an ex-  
24 amination and evaluation before providing a  
25 veterinary prescription, but only if the pre-

1           scriber requires immediate payment in the case  
2           of an examination that reveals no requirement  
3           for an animal drug.

4 **SEC. 4. ENFORCEMENT.**

5           (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A  
6 violation of a rule prescribed pursuant to section 3 of this  
7 Act shall be treated as a violation of a rule defining an  
8 unfair or deceptive act or practice prescribed under section  
9 18(a)(1)(B) of the Federal Trade Commission Act (15  
10 U.S.C. 57a(a)(1)(B)).

11          (b) POWERS OF COMMISSION.—

12           (1) IN GENERAL.—The Federal Trade Commis-  
13 sion shall enforce this Act in the same manner, by  
14 the same means, and with the same jurisdiction as  
15 though all applicable terms and provisions of the  
16 Federal Trade Commission Act (15 U.S.C. 41 et  
17 seq.) were incorporated into and made a part of this  
18 Act.

19           (2) PRIVILEGES AND IMMUNITIES.—Any person  
20 who violates a rule prescribed pursuant to section 3  
21 of this Act shall be subject to the penalties and enti-  
22 tled to the privileges and immunities provided in the  
23 Federal Trade Commission Act (15 U.S.C. 41 et  
24 seq.).

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) **ANIMAL DRUG.**—The term “animal drug”  
4 means a drug intended to be administered to an ani-  
5 mal that may not be dispensed without a prescrip-  
6 tion.

7 (2) **DOMESTICATED HOUSEHOLD ANIMAL.**—The  
8 term “domesticated household animal” means a  
9 companion animal permitted under applicable State  
10 and local law to be kept in a home for noncommer-  
11 cial purposes.

12 (3) **PET OWNER.**—The term “pet owner”  
13 means the legal owner of a domesticated household  
14 animal or a person designated by such owner to  
15 present such animal to the prescriber for care.

16 (4) **PRESCRIBER.**—The term “prescriber”  
17 means a health care practitioner who is licensed to  
18 practice veterinary medicine or other person per-  
19 mitted under State law to issue prescriptions for  
20 animal drugs.

21 (5) **VETERINARY PRESCRIPTION.**—The term  
22 “veterinary prescription”—

23 (A) means a written, oral, or electronic  
24 order from a prescriber authorizing the dis-  
25 pensing of an animal drug for use by a domes-  
26 ticated household animal and normally adminis-

1           tered to the animal by its owner, issued in ac-  
2           cordance with State and Federal law; and

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

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