

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

# H. R. 4023

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 HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2014

Mr. MATHESON (for himself and Mr. CHAFFETZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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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; and

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.

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

23 (A) may not—

24 (i) require purchase of the animal  
25 drug for which the veterinary prescription

1 was written from the prescriber or from  
2 another person as a condition of providing  
3 a copy of the veterinary prescription or  
4 verifying such prescription under para-  
5 graph (1);

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

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

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

1 **SEC. 4. ENFORCEMENT.**

2 A violation of a rule prescribed pursuant to section  
3 3 of this Act shall be treated as a violation of a rule defin-  
4 ing an unfair or deceptive act or practice prescribed under  
5 section 18(a)(1)(B) of the Federal Trade Commission Act  
6 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission  
7 shall enforce this Act in the same manner, by the same  
8 means, and with the same jurisdiction as though all appli-  
9 cable terms and provisions of the Federal Trade Commis-  
10 sion Act were incorporated into and made a part of this  
11 Act.

12 **SEC. 5. DEFINITIONS.**

13 In this Act:

14 (1) ANIMAL DRUG.—The term “animal drug”  
15 means a drug intended to be administered to an ani-  
16 mal that may not be dispensed without a prescrip-  
17 tion.

18 (2) DOMESTICATED HOUSEHOLD ANIMAL.—The  
19 term “domesticated household animal” means a  
20 companion animal permitted under applicable State  
21 and local law to be kept in a home for noncommer-  
22 cial purposes.

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

1           (4) PRESCRIBER.—The term “prescriber”  
2 means a health care practitioner who is licensed to  
3 practice veterinary medicine or other person per-  
4 mitted under State law to issue prescriptions for  
5 animal drugs.

6           (5) VETERINARY PRESCRIPTION.—The term  
7 “veterinary prescription”—

8           (A) means a written, oral, or electronic  
9 order from a prescriber authorizing the dis-  
10 pensing of an animal drug for use by a domes-  
11 ticated household animal and normally adminis-  
12 tered to the animal by its owner, issued in ac-  
13 cordance with State and Federal law; and

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

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