

112TH CONGRESS  
1ST SESSION

# H. R. 1406

To provide pet owners the ability to receive a copy of veterinary prescriptions,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

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

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## A BILL

To provide pet owners the ability to receive a copy of  
veterinary prescriptions, 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 2011”.

6 **SEC. 2. RULES ON VETERINARY PRESCRIPTIONS.**

7 Not later than 180 days after the date of enactment  
8 of this Act, the Federal Trade Commission shall promul-  
9 gate rules in accordance with section 553 of title 5, United

1 States Code, that include the following requirements with  
2 regard to veterinary prescriptions:

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

5 (A) whether or not requested by the pet  
6 owner, provide to the pet owner a copy of the  
7 veterinary prescription and a written disclosure  
8 that the pet owner may fill the prescription  
9 through the prescriber (if available), or through  
10 another pharmacy determined by the pet owner;  
11 and

12 (B) provide or verify the prescription by  
13 electronic or other means consistent with appli-  
14 cable State law, if requested by any person des-  
15 ignated to act on behalf of the pet owner.

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

18 (A) may not—

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

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

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

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

21 **SEC. 3. ENFORCEMENT.**

22 A violation of a rule prescribed pursuant to section  
23 2 of this Act shall be treated as a violation of a rule defin-  
24 ing an unfair or deceptive act or practice prescribed under  
25 section 18(a)(1)(B) of the Federal Trade Commission Act

1 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission  
2 shall enforce this Act in the same manner, by the same  
3 means, and with the same jurisdiction as though all appli-  
4 cable terms and provisions of the Federal Trade Commis-  
5 sion Act were incorporated into and made a part of this  
6 Act.

7 **SEC. 4. PRESCRIBER VERIFICATION AND STATE LAW.**

8 Nothing in this Act shall preempt applicable State  
9 law with regard to verification of a veterinary prescription.

10 **SEC. 5. DEFINITIONS.**

11 As used in this Act:

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

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

21 (3) **PET OWNER.**—The term “pet owner”  
22 means the legal owner of a domesticated household  
23 animal or a person designated by such owner to  
24 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” means a written, oral, or  
8 electronic order from a prescriber authorizing the  
9 dispensing of an animal drug for use by a domes-  
10 ticated household animal, issued in accordance with  
11 State and Federal law.

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