

Introduced Version

**HOUSE
RESOLUTION No. _____**

Introduced by: Turner, Mays, Murphy

A RESOLUTION urging the establishment of an interim study committee to study restraint on trade of contact lenses.

Whereas, Citizens of the state of Indiana who wear contact lenses should have the ability to purchase their lenses from their retailer of choice and through all channels of distribution, including alternate channels of distribution;

Whereas, Alternate channels of distribution include mail order companies, Internet retailers, pharmacies, buying clubs, department stores, drugstores, or mass merchandise outlets, without regard to whether the channels are associated with a contact lens prescriber;

Whereas, The practice of exclusive agreements limiting the

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availability of contact lenses through channels of distribution between manufacturers of contact lenses and prescribers of contact lenses was prohibited under consent decrees entered into by major manufacturers of contact lenses and 32 state attorneys general;

Whereas, Upon expiration of the consent decrees, after November 1, 2006, manufacturers of contact lenses will no longer be prohibited from entering into exclusive agreements with prescribers of contact lenses;

Whereas, The practice of exclusive agreements between manufacturers of contact lenses and prescribers of contact lenses is detrimental to the interests of those who wear contact lenses; and

Whereas, The state of Indiana may require a contact lens manufacturer that intends to do business in Indiana to demonstrate the availability of its contact lenses in a commercially reasonable and nondiscriminatory manner within all channels of distribution, including alternate channels of distribution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

- 1 SECTION 1. That the legislative council is urged to establish a
2 committee to study restraint on trade of contact lenses.
3 SECTION 2. That the study shall include examining the
4 availability of contact lenses in a commercially reasonable and
5 nondiscriminatory manner within all channels of distribution, including
6 alternate channels of distribution within the state of Indiana, and the
7 effect that any such discriminatory distribution practices have on the
8 citizens of Indiana who wear contact lenses.
9 SECTION 3. That the committee, if established, shall operate
10 under the direction of the legislative council and that the committee
11 shall issue a final report when directed to do so by the council.

