

# Oppose Unnecessary Prescription Mandates

## the so-called Fairness to Pet Owners Act, H.R. 1607



AVMA OPPOSES

### This act would place onerous regulatory burdens on veterinarians when there is no indication that legislation is necessary

#### KEY POINTS:

- There is no need for this federal mandate. The vast majority of states have an explicit requirement for a veterinarian to honor a client's request for a prescription. In the remaining states, denying a prescription is likely a violation of state codes of professional conduct. No state has a law that says a client does not have this right.
- The AVMA supports a veterinary client's ability to fill prescriptions at the pharmacy of their choice. This is why the association's code of ethics requires a veterinarian to write a prescription in lieu of dispensing when requested by the client.
- This legislation would cause undue regulatory and administrative burdens on small business veterinary practices. This would interfere in the veterinary client patient relationship in providing optimal patient care and likely raise the costs for pet care.

#### What would this bill do?

- This legislation would lead to an unnecessary federal mandate on veterinary prescription writing, requiring a veterinarian to provide a prescription for a companion animal, whether or not it was requested by the pet owner and regardless of whether the prescription is ultimately filled with the veterinarian or an outside pharmacy.

#### Why is it a problem?

- Clients already have the flexibility to fill a prescription at their convenience either by having it dispensed at their veterinarian's clinic or filled off-site at a pharmacy of their choice where the prescribed drug is available.
- A vast majority of states already have a state law, policy or regulation requiring the veterinarian to honor a client's request.
- AVMA's Principles of Veterinary Medical Ethics and its guides to online and retail pharmacies state a veterinarian shall write a prescription in lieu of dispensing a medication when requested by the client.

#### Why is the AVMA opposed?

- This legislation would put an undue regulatory and administrative burden on veterinary practices, interfere with the veterinary client patient relationship, and likely increase costs for consumers.
- This legislation encroaches on state jurisdiction. State pharmacy and veterinary practice laws already govern compliance by veterinarians to provide prescriptions upon client request.
- The veterinarian-client-patient relationship does not fit this proposal. For safety reasons, a veterinarian cannot both provide an orderable prescription and dispense the medication. For many medications, this could be dangerous.
- Clients often choose to have their veterinarian dispense a medication out of convenience, but there are also instances when medications are only available through a veterinarian.
- Requiring veterinary practices to handle and process many new, but unnecessary, prescriptions just to comply with this law will divert time and resources from providing needed care to their animal patients. The increased administrative burden on practices could well be passed on in higher costs to consumers, which is definitely something that the veterinary profession wishes to avoid.
- This legislation would force veterinarians to conduct and fund marketing on behalf of an industry seeking to increase its market share. Retailers looking to expand their pet medication businesses are perfectly capable of informing consumers of their products without federal legislation interfering in the veterinarian-client-patient-relationship.

#### Status of the bill:

The Fairness to Pet Owners Act was introduced in the 116<sup>th</sup> Congress by Rep. Matt Cartwright and referred to the House Committee on Energy and Commerce. The Senate companion was introduced most recently in the 115<sup>th</sup> Congress as S. 2651 by Senator Richard Blumenthal and referred to the Senate Committee on Commerce, Science, and Transportation.