



Fairness to Pet Owners Act H.R. 4023/S. 2756



AVMA OPPOSES

The Fairness to Pet Owners Act would place onerous regulatory burdens on veterinarians when there is no indication that this legislation is necessary.

What will this bill do?

H.R. 4023/S. 2756 would require a veterinarian to provide a copy of each prescription for a companion animal, whether or not requested by the pet owner. A veterinarian would not be able to: require the client to purchase an animal drug at the clinic for which the veterinarian has written a prescription; charge a client a fee for writing a prescription as part of (or in addition to) the fee for the examination and evaluation of a pet; or, require a client to sign, or supply a client with, a waiver or liability disclaimer should the prescription be inaccurately filled by an off-site pharmacy.

What is the problem?

There is no need for a legislative mandate such as the one proposed in H.R. 4023/S. 2756. Clients already have the flexibility to fill a prescription at their veterinary clinic or off-site at a pharmacy of their choice. A majority of states already have a state law, policy or regulation requiring the veterinarian to honor a client's request. Similarly, the AVMA's "[Principles of Veterinary Medical Ethics](#)" and its guide on "[Internet Pharmacies](#)" encourage veterinarians to write a prescription in lieu of dispensing a medication when requested by the client.

Why is AVMA opposed?

- H.R. 4023/S. 2756 will cause undue regulatory and administrative burdens on veterinary practices and possibly increase costs for consumers. Sometimes the client chooses to have his/her veterinarian fill the prescription. There are also instances when pet medications are only available through a veterinarian. Requiring veterinary practices to handle and process many new but unnecessary written prescriptions just to comply with this law will divert time and resources from providing needed care to their animal patients. It is also certainly possible that an increased administrative burden on practices will be passed on in terms of higher costs to consumers, which is definitely something that the veterinary profession wishes to avoid.
- H.R. 4023/S. 2756 encroaches on state jurisdiction. State pharmacy and veterinary practice laws already govern compliance by veterinarians to provide prescriptions upon client request.
- While not a reason to deny a client the written prescription, there are challenges the pharmacy community faces when filling veterinary prescriptions. The two medical communities are currently collaborating to protect the good health of pets, but AVMA believes that veterinarians are still the best resource for professional guidance and education to pet owners with questions regarding their prescription products.
- This legislation would force veterinarians to conduct and fund marketing on behalf of another industry seeking to increase its market share. As we have seen, the retailers who are 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.

Key points:

- AVMA supports a client's right to fill their pet's prescription at a pharmacy of their choice. AVMA has a longstanding policy that encourages veterinarians to write a prescription in lieu of dispensing when requested by the client.
- There is no need for a federal mandate as required by H.R. 4023/S. 2756. Many states already require a veterinarian to honor a client's request for a prescription.
- This bill will cause undue regulatory and administrative burdens on small business veterinary practices and could potentially raise the costs for pet care.

Status of the bill:

- Rep. Jim Matheson (D-Utah) introduced H.R.4023 on Feb. 10, 2014, and it has been referred to the House Energy and Commerce Committee.
- Sen. Richard Blumenthal (D-CT) introduced S. 2756 on July 31, 2014, and it has been referred to the Senate Committee on Commerce, Science and Transportation.