



**Statement of Carol Allocco before the Public Health Committee  
in support of Senate Bill 781 – February 6, 2009**

Sen. Harris, Rep. Ritter and members of the committee:

My name is Carol Allocco. I am the Senior Director of Government Affairs for Johnson & Johnson. Today, I represent one of our Operating Companies - VISTAKON, a division of Johnson & Johnson Vision Care, Inc. I am here today to offer comments in regard to Senate Bill 781, **An Act Concerning Therapeutic Contact Lenses**.

New technology, in the form of contact lenses that emit therapeutic pharmaceutical agents, is emerging to treat eye disorders. Under current US state optometry, medical and pharmacy practice act statutes, these combination contact lens/drug products would be available immediately for prescription and dispensing by vision care professionals in 34 states (see attached table), which represents an increase of 13 states since this issue was heard in Connecticut last year. Connecticut remains a state that requires clarification, through the introduction of this bill, of the language surrounding the abilities of vision care professionals to prescribe and dispense this technology to their patients. I would like to make the following points:

- This is about an emerging technology, not a single product. The technology is described as using a contact lens as a drug delivery device. This device will provide therapeutic pharmaceutical agent directly into the eye.
- Optometrists, where the majority of patients seek vision care, would not be able to dispense these products to their patients under current law.
- Optometrists can currently prescribe and dispense contact lenses in their practice.
- Optometrists, as per statute (Chapter 380, Sect. 20-127(5)), are able to prescribe therapeutic pharmaceutical agents to their patients.
- Pharmacies in the State of Connecticut are prohibited from dispensing contact lenses. The definition of "device" (which pharmacies are legally allowed to dispense) in the pharmacy statute specifically excludes "contact lenses" from the definition.
- Only those lenses with pharmaceutical agents that are within scope of practice would be available to the optometrists. **Nothing in this legislation alters the scope of practice of the profession.**
- If no change is enacted, patients will either have to seek to have their prescriptions filled at an ophthalmologist's office or through a licensed provider on the Internet.
- Most consumers in Connecticut have their vision tested and contact lenses prescribed by an Optometrist. If this bill is not passed, we fear the marketplace as it now exists in Connecticut will dramatically change and confuse consumers.
- Nothing in this law circumvents the authority of the FDA and its approval of drug products. This law is intended to ensure that these products are available to the people of Connecticut once FDA approved.
- The first of the products combines a vision correction device (Acuvue Contact Lens) with an over-the-counter anti-allergy product (ketotifen). When combined together, there is a restricted ability for patients to access this technology.
- It is important to note that this same bill was raised in last year's Session as HB 5811. HB 5811 was raised out of committee, passed the House unanimously and was not raised by the Senate prior to the expiration of the Session.

I would like to conclude by thanking the Committee for hearing this issue. VISTAKON and I stand ready to work with you on this legislation as the 2008 session proceeds. I would be happy to answer any questions you may have.



DIVISION OF  
Johnson & Johnson Vision Care, Inc.

Table 1 – Status of US States on Vision Care Professionals Ability to In-Office Dispense Therapeutic Contact Lenses

<u>STATUS</u>	<u>States</u>
States That Required No Changes (20)	Pennsylvania, Indiana, Alabama, Oklahoma, South Dakota, Wyoming, Montana, Idaho, Utah, New Mexico, North Carolina, Missouri, Florida, Michigan, New Mexico, Arizona, Washington, Hawaii, Delaware, District of Columbia
States That Still Require Legislative Changes to Be Made (17)	Connecticut, Maine, New Hampshire, Massachusetts, New York, New Jersey, West Virginia, Maryland, Arkansas, Wisconsin, Iowa, Kansas, Nebraska, Texas, Colorado, Mississippi, North Dakota
States That Required Clarification Through Enacted Legislation, Board Rules or Interpretation of Existing Language (14)	Ohio, Kentucky, Minnesota, Louisiana, California, Oregon, South Carolina, Nevada, Virginia, Illinois, Vermont, Rhode Island, Tennessee, Georgia