



General Assembly

January Session, 2003

**Amendment**

LCO No. 5755

\*HB0617405755HR0\*

Offered by:

REP. WINKLER, 41<sup>st</sup> Dist.

REP. RYAN, 139<sup>th</sup> Dist.

To: Subst. House Bill No. 6174

File No. 504

Cal. No. 333

**"AN ACT CONCERNING THE SALE OR DISPENSING OF CONTACT LENSES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2003*) (a) For purposes of this  
4 section:

5 (1) "Contact lenses" means lenses that: (A) (i) Have a spherical,  
6 cylindrical or prismatic power or curvature; (ii) are made pursuant to a  
7 current prescription; and (iii) are intended to be worn on the surface of  
8 the eye for vision correction, or (B) are worn for cosmetic purposes  
9 only; and

10 (2) "Specification" includes, but need not be limited to, the lens  
11 manufacturer, base curve, diameter and power of the contact lenses.

12 (b) No person or entity shall be authorized to sell, dispense or

13 distribute contact lenses to a patient or consumer in this state unless  
14 one of the following has occurred: (1) The patient or consumer  
15 transmits or mails to such person or entity a valid prescription for  
16 contact lenses, or (2) a licensed optician, optometrist or  
17 ophthalmologist, having obtained written authorization from such  
18 patient or consumer, transmits orally, electronically or in writing, to  
19 such person or entity, a copy of a valid prescription or a specification  
20 for contact lenses from an optometrist or ophthalmologist, or (3) a  
21 licensed optician, optometrist or ophthalmologist, having obtained  
22 written authorization from such patient or consumer, verifies orally or  
23 in writing, a valid prescription or a specification for contact lenses  
24 from an optometrist or ophthalmologist to such person or entity.

25 (c) A licensed optometrist or ophthalmologist, having obtained  
26 written authorization from such patient or consumer to verify a  
27 prescription shall provide such prescription verification not later than  
28 three business days from the date the optometrist or ophthalmologist  
29 receives the patient's or consumer's written authorization. A licensed  
30 optician, optometrist or ophthalmologist, having obtained written  
31 authorization from such patient or consumer to verify contact lens  
32 specifications shall provide such specification verification not later  
33 than three business days from the date the optician, optometrist or  
34 ophthalmologist receives the patient's or consumer's written  
35 authorization. The verification of such prescription or specification  
36 shall include, but not be limited to, the following information: (1) The  
37 lens manufacturer, (2) base curve, (3) diameter, and (4) power of the  
38 contact lenses. Failure to respond to a verification request shall not be  
39 deemed to authorize, validate or confirm any prescription or  
40 specification.

41 (d) No licensed optician, optometrist or ophthalmologist shall  
42 verify, pursuant to subdivision (3) of subsection (b) of this section, a  
43 prescription or a specification for contact lenses from an optometrist or  
44 ophthalmologist, if more than eighteen months have elapsed from the  
45 date of issuance of the original written prescription or specification.

46 (e) All communications and correspondence received by persons or  
47 entities who sell, dispense or distribute contact lenses to patients or  
48 consumers in this state, shall be maintained for a period of seven years  
49 from the date of receipt, and shall be subject to all state and federal  
50 confidentiality requirements."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>