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## **OLR Bill Analysis**

### **SB 329**

#### ***AN ACT CONCERNING THE RETAIL OPERATION OF OPTICAL ESTABLISHMENTS, OFFICES AND STORES.***

#### **SUMMARY**

Existing law generally prohibits the retail sale of prescription eyeglasses, contact lenses, and related products except (1) under a licensed optician's supervision and (2) in a registered optical establishment, office, or store ("establishment") that has a Department of Public Health (DPH) optical selling permit. (There is an exception for licensed optometrists and ophthalmologists dispensing items to their patients.)

This bill allows these optical establishments to remain open to sell such products during regular business hours in the absence of an optician, under limited circumstances and for a period DPH deems reasonable. This applies if (1) there are reasonably unanticipated circumstances (see below); (2) the establishment took reasonable action, as DPH determines, to have another optician present during regular business hours; and (3) the establishment posts a clear and conspicuous sign that an optician is not on site.

During these periods, the establishment's owners or employees may not perform any tasks that would generally require an optician license (e.g., producing lenses). But the bill specifies that, during these periods, the establishment may conduct any business not requiring an optician license.

Under the bill, reasonably unanticipated circumstances for these purposes include at least the following: the optician's illness, injury, family emergency, or termination or resignation from the establishment.

The bill also specifies that optical establishments are not exempt from the DPH permit requirement when selling products online.

EFFECTIVE DATE: October 1, 2022

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 18 Nay 11 (03/25/2022)