

2016 -- H 8003

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- OPTICIANS

Introduced By: Representative Jan Malik

Date Introduced: March 25, 2016

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-35.2-1 of the General Laws in Chapter 5-35.2 entitled "Opticians"

2 is hereby amended to read as follows:

3 **5-35.2-1. Definitions.** -- As used in this chapter:

4 (1) "Advisory committee" means the advisory committee of opticianry as established
5 herein.

6 (2) "Department" means the department of health

7 (3) "Director" means the director of the department of health.

8 (4) "Optician" means a person licensed in this state to practice opticianry pursuant to the
9 provisions of this chapter.

10 (5) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses,
11 spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription
12 from licensed physicians or optometrists, or duplications or reproductions of previously prepared
13 eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with
14 such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses,
15 spectacles, lenses, including spectacles add powers for task specific use or occupational
16 applications, or appurtenances, to the human face. Provided, however, a person licensed under the
17 provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular
18 refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic
19 spectacles, fitting, ~~selling, replacing,~~ or dispensing contact lenses.

1 SECTION 2. Chapter 5-35.2 of the General Laws entitled "Opticians" is hereby amended
2 by adding thereto the following section:

3 **5-35.2-5.1. Unlawful sale of contact lenses.** -- It is unlawful for any licensed optician to
4 sell replacement contact lenses without a valid, original and unexpired contact lens written
5 prescription from a licensed optometrist or physician in accordance with the Federal Trade
6 Commission's "contact lens rule" found in 16 C.F.R. §§315.1 through 315.11 and any subsequent
7 amendments thereto. A contact lens prescription shall expire one year from the date the
8 prescription was written, unless based on the medical judgment of the prescriber, the ocular
9 health of a patient warrants a shorter expiration date on the prescription. A contact lens
10 prescription shall be considered invalid if the quantity of lenses to be dispensed would exceed the
11 number of lenses required to fill the remaining duration of the prescription, unless prior
12 authorization is provided from a licensed optometrist or physician.

13 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO BUSINESSES AND PROFESSIONS -- OPTICIANS

1 This act would prohibit the dispensing of contact lenses without a valid original written
2 prescription and would mandate that prescriptions for contact lenses expire one year from the date
3 or issuance unless a shorter time is necessary for the health of the patient based on the medical
4 judgment of the optometrist.

5 This act would take effect upon passage.

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