

OAA LEGISLATIVE UPDATE – JUNE 28, 2007

More than two-thirds of all state legislatures are now adjourned. Several states enacted important laws, including Oregon, which has joined California, Connecticut, New Jersey and New York in cracking down on the sale of “plano” contact lenses; Nevada, which has enacted three laws affecting opticians, one establishing minimum standards for eyewear and optical devices and the other two modifying the licensing and examination rules; Kentucky, which has tightened standards for establishments offering ophthalmic dispensing services; and, Vermont, which raised penalties for unauthorized practice of any profession. Bills enacted into law in 2006 may be found on an adjacent chart. *[Bills/Resolutions adopted in 2007 are shown in bold.]*

STATE	BILL #	SUMMARY OF PROVISIONS	STATUS	LOCAL CONTACT	COMMENT
ALASKA	SB 149	Authorizes the Bd. of Dispensing Opticians to approve nonprofit organizations for the distribution and fitting of used eyeglasses	Introduced 3/30/07. ADJOURNED 5/16/07.		Eyeglasses must be fitted free of charge and done under prescription from a licensed physician or optometrist.
ARKANSAS	HB 1106 [note new number]	Makes appropriations for personal services and operating expenses for Arkansas Board of Dispensing Opticians for period ending 6/30/09.	Approved 2/14/07 as Act 107. Note: Act 153 (SB 225 - approved 2/28/07) specifically continues the Bd. of Dispensing Opticians, which otherwise would have been abolished on 6/30/07.		Total proposed appropriation for two year period is \$89,831. Effective 7/01/07.
COLORADO	HB 07-1134	Adds coverage for “vision services” to Medical Assistance Program.	Introduced 1/16/07. Postponed indefinitely by Appropriations Comm. 3/28/07. Fiscal Note 5/09/07. ADJOURNED 5/04/07.		Covered services: one eye exam, and two pair of eyeglasses every two years, plus eyeglass repair and adjustment.

CONN.	HB 5655	Adds to as an optional service covered under state Medicaid plan services provided by licensed optician.	Introduced 1/17/07. ADJOURNED 6/06/07.		
CONN.	SB 672	Specifies that prescriptions written by optometrists and MDs for eyeglasses shall remain valid for a period longer than 12 months, unless a different expiration date is warranted by health of patient's eyes.	Introduced 1/19/07. ADJOURNED 6/06/07.		
CONN.	HB 7306	Specifically extends life of Bd. of Examiners for Opticians until 7/01/10.	Introduced 3/01/07. ADJOURNED 6/06/07.		Currently set to terminate 7/01/08.
CONN.	HB 7167	Establishes a one year grace period during which members of the Armed Forces discharged from active duty may renew professional credentials – including for opticians – that lapsed during their period of service.	Enacted into law 6/12/07 as Public Act 07-157.		Previous grace period was six months.
GEORGIA	HB 241	Establishes mandatory minimum basic education standards for apprentice opticians. Prohibits use of title "optician" or "licensed dispensing optician" w/out license.	Withdrawn and recommit- ted 4/20/07. ADJOURNED 4/20/07.	Thomas Blair, Jr.; tblair3@ bell- south.net	Similar bills passed both Senate and House in 2006 but were not reconciled.
ILLINOIS	SB 641	Proposed amendment would mandate separate eye exam as part of health exam required of every child entering kindergarten or 1 st grade.	Passed both houses of legislature 5/31/07.		Under existing law parents are merely "encouraged" to give their children eye exams.
INDIANA	HB 1234 [note that bill number shown on earlier charts was incorrect]	"Contact Lens Consumer Protection Act." Prohibits sale of contact lens brands that are not certified as being available in commercially reasonable and nondiscriminatory manner within all channels of distribution, including alternative channels of distribution. Certification made by affidavit to State Atty. General. Exempts rigid gas, bi-toric gas and bifocal gas permeable	Bill withdrawn 2/06/07. ADJOURNED 4/29/07.		"Alternative channels of distribution" defined as "mail order company, Internet retailer, pharmacy, department store, drugstore, mass merchandise store or buying club," unless the entity is a competitor. Violation is a Class B infraction (\$1000 fine); enforceable

		lenses, keratoconus lenses, and custom designed lenses.			by State AG, who may also seek injunction.
IOWA	HB 696	Requires a parental certification that a kindergarten pupil received a comprehensive eye exam w/in the previous 12 months.	Introduced 3/06/07. ADJOURNED 4/09/07.		The post eye exam report shall recommend educational adjustments, including whether sight saving lenses, or eyeglasses for school use, are needed.
KENTUCKY	HB 394	Defines “optical establishments” as establishments where ophthalmic dispensing services for the general public are offered, advertised or performed by ophthalmic dispensers. Specifically excludes locations where medicine, osteopathy & optometry are practiced. An optical establishment must have a licensed ophthalmic dispenser on premises at all times.	Signed into law by Governor Fletcher on 3/23/07 as Chapter 105, Acts of 2007.	Actively supported by Society of Dispensing Opticians of Kentucky.	Board of Ophthalmic Dispensers may fine any person (1) operating such establishment w/out supervision of licensed ophthalmic dispenser or (2) allowing licensee to supervise more than one establishment at a time. Gives Board jurisdiction over non-licensees.
LOUISIANA	SB 55	Exempts prescription eyeglasses and contact lenses from state sales and use tax.	Passed Senate 5/23/07. Passed House 6/22/07. Sent to Governor 6/25/07.		Eyeglasses and contact lenses would join other orthotic and prosthetic devices as tax exempt.
MAINE	HB 790	Would establish the Maine Health Care Plan, a universal single-payor health care system.	Introduced 3/06/07. ADJOURNED 6/21/07.		Among covered benefit services are “Vision appliances, including lenses, frames and contact lenses.”
MINNESOTA	HB 2522 SB 2324	Would establish Minn. Health Care Act and Fund for Health Care to provide “necessary health care with a single standard of care for all.”	Introduced 5/19/07. Similar bills SB 2328, 2351, 2352 and 2353 introduced 5/21/07. ADJOURNED 5/21/07.		Covered benefits include “eyeglasses and their repair.”
MISSISSIPPI	HB 886 SB 2971	“Contact Lens Consumer Protection Act.” Identical to Indiana bill.	Both bills died in Ins. Committee 1/30/07. ADJOURNED 3/30/07.		Violation is a misdemeanor. State AG may also seek civil penalty or injunction.
MISSOURI	HB 718	Provides that each child enrolled in kindergarten or 1 st grade shall receive	Introduced 2/01/07. ADJOURNED 5/30/07.		Unlike similar bills in other states, makes no mention

		comprehensive vision exam performed by physician or optometrist; eye screening mandated for 1 st and 3 rd graders.			of providing corrective services to those with vision problems.
NEVADA	AB 249	Requires Board of Dispensing Opticians to adopt minimum standards (consistent with quality set by Amer. Nat'l Standards Inst.) for eyewear and certain optical and ophthalmic devices; optician may be disciplined for dispensing below standard eyewear; strengthens disciplinary procedures for violations.	Approved by Governor 6/02/07. Chapter 309.		Establishes expiration date of a prescription as two years after date of issuance.
NEVADA	SB 310	Requires all state licensing boards -- including for opticians -- that accept an exam produced by a national regulatory body, to use the same methodology as such body in determining passing scores.	Approved by Governor 6/13/07. Chapter 507.		
NEVADA	SB 412	Establishes a new type of license as a dispensing optician. Among other requirements the applicant must pass Nat'l Opticianry Competency Exam and Contact Lens Registry Exam.	Approved by Governor 6/13/07. Chapter 413.		Also requires applicant to be certified by Amer. Bd. of Opticianry and by Nat'l Contact Lens Examiners.
NEW JERSEY	SJR 41 HJR 125	Identical Resolutions designate May of each year as "New Jersey Eyeglass Recycling Month."	Passed Senate 3/12/07. Passed Assembly 6/11/07.		Legislative Resolutions do not require Governor's approval.
NEW MEXICO	HB 1283 SB 1149	Creates "Save Our Children's Sight Fund;" would require vision screening for children enrolled in pre-K, kindergarten, 1 st & 3 rd grades; students not covered by health ins. may apply to the Fund to cover cost of follow-up comprehensive exam, and for eyeglasses or contact	HB 1283 signed into law as CH 353 on 4/04/07. SB 1149, virtually identical, signed into law as CH 357 on same date.		The Fund is to be supported by voluntary check-off of \$1 or \$5 on all vehicle registration forms after 1/01/08.

		lenses.			
NEW YORK	A. 2556 S. 2459	Requires optical stores engaging in sale of eyeglasses or contact lenses to register with the State Education Dept. and to be under the direct supervision of a MD, optometrist or ophthalmic dispenser.	Assembly bill introduced 1/17/07; Senate bill on 2/06/07.		Triennial registration fee is \$100.
NEW YORK	A. 5684 S. 3679	Authorizes opticians who obtain additional certification from the State Education Dept. to perform visual assessments.	Assembly bill introduced 2/21/07; Senate bill on 3/13/07.		
NEW YORK	A. 7354 S. 3107	Would establish NYS Health Plan to provide universal access to health ins. for NYS residents.	Assembly bill reported from Health Comm. to Ways & Means 4/24/07 Introduced in Senate 2/23/07.		Plan benefits specifically include "lenses, frames and contact lenses."
NEW YORK	A. 6216	"Contact Lens Consumer Protection Act." Identical to Indiana bill.	Introduced 3/05/07.		
NEW YORK	A. 8760 S. 4152	Authorizes Com. of Health to establish programs to implement voluntary children's vision screening and to train professionals serving children to promote education regarding proper vision care.	Passed Assembly 6/20/07. Introduced in Senate 3/28/07.		Programs to be funded by "Save Our Sight Fund," from voluntary \$1.00 check-off on renewals of drivers' licenses and vehicle registrations.
OHIO	HB 104	Requires a criminal records check of an applicant for an initial license for certain professions, including dispensing optician.	Introduced 3/13/07.		
OHIO	HB 171	Authorizes Optical Dispensers Bd. to suspend/revoke license upon conviction/guilty plea to criminal offense "substantially related to the practice of optical dispensing."	Introduced 4/24/07.		Current standard is felony or a crime involving moral turpitude. "Substantially related" means a "direct bearing" on fitness or ability to perform duties of the profession.
OREGON	SB 82	Prohibits dispensing or selling ophthalmic contact lens unless cus-	Signed into law by Governor 3/29/07.		Contact lens defined as a lens with or without re-

		tomers presents a valid prescription.			fractive power, including a plano lens or a cosmetic lens.
RHODE ISLAND	H 6086	Proclaims March 2007 to be "Save Your Vision Month" in R.I.	Adopted 3/01/07		Supported by a variety of organizations concerned about sight, including Optometric Society; no mention of opticians.
TEXAS	HB 3813	Provides minimum standards and procedures to establish titles of "Registered Optician" and "Registered Contact Lens Technician."	Introduced 3/09/07. ADJOURNED 5/28/07.		A person may qualify and be registered under both titles.
VERMONT	HB 368	Amends newly enacted provisions relating to the Office of Professional Regulation (OPR) that regulates opticians and others to establish uniform penalties for unauthorized practice of the profession. Such practice now subject to being enjoined upon complaint of Attorney General and \$1000 civil penalty; criminal penalties are maximum one year in prison and \$5000 fine.	Signed by Governor on 5/17/07 as Act No. 0029.		Previous criminal penalty was up to six months in jail and a fine of \$500 for first offense, \$1000 for subsequent offenses.
VIRGINIA	HJ 641	Resolution directing Joint Legislative Audit and Review Commission to study the impact of unfair trade practices on consumer access to vision care services and products.	Introduced 1/09/07. Tabled in Rules Committee - 1/31/07. ADJOURNED 2/24/07.	Michelle Nelms, Exec. Dir., Opticians Assoc. of VA; michelle @ vaopticians.org.	
WASH.	HB 1300 SB 5578	Strengthens and broadens powers of the "disciplinary authority," i.e., professional licensing board that regulates virtually all professions, including dispensing opticians.	Passed House 2/21/07; amended and reported by Senate Committee on Health & Long Term Care 3/30/07. Returned to House Rules Committee for 3 rd reading 4/22/07. ADJOURNED 4/22/07.		Among new powers, in order to protect the public, board: (1) may restrict or condition practice by new licensees & (2) summarily suspend licensees in emergency.
FEDERAL	H.R. 15	"National Health Insurance Act." Eye-	Introduced 1/04/07.		Lead sponsor is Rep. John

		glasses (but not contact lenses) are listed as an auxiliary service included among benefits available to eligible individuals.			Dingell (D – MI)
FEDERAL	H.R. 507 S. 1117	“Vision Care for Kids Act of 2007.” Would authorize Secretary of Health & Human services to make grants to complement existing State efforts for providing (1) comprehensive eye examinations and (2) treatment or services to correct vision problems.	Introduced in House 1/17/07; in Senate 4/16/07.		Lead sponsors are Rep. Gene Green (D – TX), and Senators Kit Bond (R-MO) and Chris Dodd (D.-CT).
FEDERAL	H.R. 1200	“American Health Security Act of 2007.” Would establish universal health care system. Specified preventative services would include “Routine eye examinations, eyeglasses and contact lenses.”	Introduced 2/27/07.		Lead sponsor is Jim McDermott (D – WA)
FEDERAL	H.R. 1841	“AmeriCare Health Care Act of 2007.” Intended to assure the provision of health insurance coverage to all residents.	Introduced 3/29/07		Eyeglasses (but not contact lenses) listed as “additional benefits” available to children and “lower income” individuals. Lead sponsor is Pete Stark (D – CA)
FEDERAL	H.R. 2012	“Contact Lens Consumer Health Protection Act.” Amends the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the sole purpose of receiving communications from pre-scribers, including responding to prescribers questions regarding verification requests.	Introduced 4/24/07.		Adds new section prohibiting seller from overfilling contact lens prescription, defined as providing more lenses than the prescription specifies, or more than number required to fill prescription from date filled through expiration date. Raises penalties: up to \$100,000 per violation. Lead sponsor is Mike Ross (D-AK).