

## FINAL 2006 OAA LEGISLATIVE UPDATE – DECEMBER 31, 2006

**This chart represents a final look at legislative activity of interest to OAA during 2006.** An emerging trend, reflected both in four new state laws and in proposed Federal legislation that is certain to be reintroduced in 2007, deals with mandatory vision screening for children reaching school age. Also of note: (1) A comprehensive revision of Vermont’s professional licensing statute resulted in all licensing boards, including that for Opticians, being merged into a single entity, the Office of Professional Regulation. (2) Utah, where 1-800-CONTACTS is headquartered, was the only state – out of seven where similar bills were introduced – to enact the “Contact Lens Consumer Protection Act.” (3) Important Federal bills were introduced in July and September [see final page of this chart], while a procedural vote in the House on the last day of the session defeated the Federal version of the “Contact Lens Consumer Protection Act,” which was opposed by OAA. *[Note that Bills/Resolutions adopted in 2006 are shown in **bold**.]*

STATE	BILL #	SUMMARY OF PROVISIONS	STATUS	LOCAL CONTACT	COMMENT
ALABAMA	HB 544 SB 379	“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. Certification made to State Atty. General. Further prohibits providing any contact lens prescriber with any item or service of monetary value intended to inhibit competition in the sale of contact lenses. Violation constitutes Deceptive Trade Practice.	Introduced 1/31/06. <i>Legislature Adjourned 4/18/06.</i>		Legislative policy states that contact lens wearers “should not be denied right to purchase from retailer of choice,” including alternative channels defined as “mail order company, Internet retailer, pharmacy, buying club, department store, or mass merchandise outlet,” even if same is not “associated with a prescriber.”
<b>ALABAMA</b>	<b>HR 436</b>	<b>Creates Children’s Vision Interim Task Force to study “screening/treatment of children for vision diseases/disorders.”</b>	<b>Adopted 3/09/06</b>		
ALASKA	SB 175	Oversight of licensed opticians transferred to new state dept.; licensing retained; transfer apprenticeship program to US Dept. of Labor.	Passed Senate 19-1 on 5/2/05; killed in House by procedural move. <i>Legislature Adjourned</i>	Larry Harper (cookinletyewear@gci.net)	Supported by local OAA members.

			5/09/06.		
ARIZONA	HB 2805	Would eliminate existing dual license system, i.e., one license permits both eyeglass & contact lens dispensing.	Introduced 2/06/06. <i>Legislature Adjourned 6/22/06.</i>	Stacia Decker, Chairman, AZ Board of Dispensing Opticians; (520) 327-6215; al-vernonsd@qwest.net	Bill was promoted by a non-licensed independent who found it hard to secure an AZ license under existing system; tremendous opposition from opticians killed the bill.
CALIFORNIA	HB 1382	<b>Makes it a deceptive marketing practice to advertise that contact lenses, including plano lenses, may be obtained without an eye exam or confirmation of a valid prescription. Violation is a misdemeanor.</b>	<b>Adopted 8/23/06 as Chapter 148, Statutes of 2006.</b>		<b>Incorporates Federal definition of all contact lenses as regulated medical devices; plano contact lenses deemed prescription ophthalmic devices.</b>
CALIFORNIA	HCR 145	<b>Establishes a panel to study, and recommend improvements to, the state's vision screening standards for children entering 1<sup>st</sup> grade.</b>	<b>Adopted 8/16/06 as Res. Chapter 108/ Statutes of 2006.</b>		<b>Final committee Report due on 9/01/07.</b>
FLORIDA	HB 1331 SB2638	"Contact Lens Consumer Protection Act." Virtually identical to Alabama bill.	Both bills died in committee. <i>Legislature Adjourned 5/05/06.</i>		Violation is an Unfair Business Practice; penalties set by State AG.
FLORIDA	HB 1403 SB 2562	Requires certification of school entry comprehensive vision exam.	Both bills died in committee. <i>Legislature Adjourned 5/05/06.</i>		25 cent fee on sale of <i>non-prescription</i> eyeglasses to pay for exam for those in need.
FLORIDA	HB 587 SB 416	<b>Requires health care providers, including opticians, to disclose in advertising the type of license under which they are practicing.</b>	<b>Approved by Gov. on 6/13/06. Took effect on July 1, 2006.</b>		<b>Failure to properly disclose required info is grounds for disciplinary action.</b>
FLORIDA	HB 5007	<b>Authorizes Medicaid to pay for visual exam &amp; two pairs of eyeglasses yearly, regardless of recipient's age.</b>	<b>Approved by Gov. on 5/25/06. Took effect on July 1, 2006.</b>		<b>Prior law allowed eyeglasses only for Medicaid recipients age 21 and under.</b>
GEORGIA	HB 1446	"Contact Lens Consumer Protection Act." Requires contact lens manufacturer to make any lens it sells in GA	Introduced 2/28/06. <i>Legislature Adjourned 3/30/06.</i>		Violation is a misdemeanor; State Atty. Gen. may seek injunction and civil penalty

		available in commercially reasonable and nondiscriminatory manner to all prescribers and alternative channels of distribution; not required to sell to all distributors at same price.			of up to \$10,000 per day.
GEORGIA	HB 881	Establish mandatory minimum basic education standards for apprentice opticians. Senate adopted amendment with language similar to HB 1446, "Contact Lens Consumer Protection Act."	Passed Senate 3/30/06. <i>Legislature Adjourned 3/30/06.</i>	Thomas Blair, Jr., (tblair@bellsouth.net)	Legislation intended to replace rule eliminated by State Board. Two technical amendments address training and experience requirements.
HAWAII	SCR 103	Requests Superintendent of Education to establish one year pilot program in selected schools to provide free eyes exams to kindergarten students.	Reported out by Health Committee 4/04/06. <i>Legislature Adjourned 5/04/06.</i>		School system to provide eyeglasses for tested children who lack insurance coverage
ILLINOIS	SB 333	Requires that a contact lens prescription comply with federal law.	Introduced 2/28/06.		Included as part of comprehensive licensing law revision.
INDIANA	SB 333	<b>Requires that contact lens prescription provided to a patient carry an expiration date of one year (formerly "not more than one year").</b>	<b>Adopted into law 3/24/06.</b>		
INDIANA	HB 1308	Essentially the same as Alabama bill, although without specific title.	Introduced 1/04/06. <i>Legislature Adjourned 3/14/06.</i>		Violation is Unfair Business Practice, a Class A Misdemeanor; enforceable by State AG
INDIANA	HR 73	<b>Resolution urging the establishment of an interim study committee on restraint on trade in sale of contact lenses.</b>	<b>Adopted 3/15/06.</b>		<b>References expiration (11/01/06) of consent decrees prohibiting limiting distribution of lenses</b>
LOUISIANA	HB 749 SB 444	"Contact Lens Consumer Protection Act." Similar to Alabama.	Introduced in both houses 3/27/06. <i>Legislature Adjourned 6/19/06.</i>		
MISS.	HB 889	Requires all public school students entering kindergarten, grade 1 and grade 3 to undergo vision screening;	Died in Insurance Committee 1/31/06. <i>Legislature Adjourned</i>		

		comprehensive eye exam for those who fail; mandates a report that recommends educational adjustments, including eyeglasses.	3/31/06.		
NEW JERSEY	A 2091	<b>Modifies existing requirement that children who wear corrective eyeglasses also wear protective eyewear by substituting lens standards of the American National Standards Institute for those of American Society for Testing &amp; Materials.</b>	Approved 1/11/06 as P.L. 2005, C. 306		Frames standards, set by American Society for Testing and Materials, remain unchanged.
NEW JERSEY	SR 37	Resolution memorializing Congress to provide Medicare coverage for eyeglasses.	Introduced 3/06/06.		
NEW MEXICO	HB 791	Requires child entering first grade to have comprehensive eye exam;	Passed House 2/14/06. <i>Legislature Adjourned</i> 3/31/06.		Department of Health to assist lower income children to pay for exam and, if needed, eyeglasses.
NORTH CAROLINA	HB 2699	<b>Requires vision screening for all children prior to entering kindergarten; mandates comprehensive eye exam for those who fail screening.</b>	<b>Signed into law by Governor 8/13/06 as Session Law 2006-240.</b>		<b>Income eligible families may qualify to receive state funds for eye exam and corrective lenses.</b>
OHIO	H.B. 267	Changes standard used by Optical Dispensers Board to refuse to grant or to revoke license from "felony or crime involving moral turpitude" to crime "substantially related to practice of optical dispensing."	Introduced in 2005.		One section of a 90 page bill "to revise the laws governing issuance of certain professional licenses."
OKLAHOMA	HB 1785	Eliminates sales tax on lenses, eyeglasses, frames, spectacles.	Introduced in 2005. <i>Legislature adjourned</i> 5/26/06.	Bob Keathley (918) 494-2671	
OKLAHOMA	HB 2382 SB 1795	<b>Requires vision screening exam for children entering kindergarten, 1<sup>st</sup> and 3<sup>rd</sup> grades; comprehensive eye exam for those who fail; exam includes recommended educational</b>	<b>Adopted into law</b> <b>5/15/06.</b>		<b>Effective date is 11/01/06; requirements are applicable beginning in school year 2007-2008.</b>

		<b>adjustments, e.g., eyeglasses.</b>			
<b>TENNESSEE</b>	<b>Senate Joint Res. 1054</b>	<b>Urges Dept. of Human Services to fund Prevent Blindness Tenn. program of blindness prevention awareness education/screenings.</b>	<b>Adopted in to law 6/15/06.</b>		<b>Responds to loss of Federal funding for the Program.</b>
<b>UTAH</b>	<b>SB 176</b>	<b>"Contact Lens Consumer Protection Act." Essentially the same as Alabama bill.</b>	<b>Adopted into law 3/17/06.</b>		<b>Amended version excludes rigid gas, bitoric gas, and bifocal gas permeable lenses; keratoconus lenses; and, custom lenses.</b>
<b>VERMONT</b>	<b>HB 871</b>	<b>Comprehensive revision of licensing statute; establishes Office of Professional Regulation (OPR), into which are merged all licensing boards, including for Opticians; penalty for unauthorized practice of any profession set at max. fine of \$5000 or one year in jail; eliminates five person Bd. of Examiners of Opticians; two practicing Opticians to be advisors to OPR</b>	<b>Signed into law 5/15/06.</b>		<b>When an optician's license has been expired for period of four years, OPR may require reexamination before reinstating license.</b>
<b>WEST VIRGINIA</b>	<b>SB 617</b>	<b>"Contact Lens Consumer Protection Act." Similar to Utah, with exceptions for gas permeable lenses (but not for custom lenses).</b>	<b>Introduced 2/17/06. Legislature Adjourned 3/11/06.</b>		
<b>WEST VIRGINIA</b>	<b>SCR 73</b>	<b>Concurrent Resolution requests Joint Comm. on Govt. and Finance to recommend legislation codifying expiring consent decrees in disposable contact lens antitrust litigation.</b>	<b>Introduced 3/03/06. Legislature Adjourned 3/11/06.</b>		
<b>FEDERAL</b>	<b>H.R.2238</b>	<b>"Children's Vision Improvement and Learning Readiness Act of 2005." Would authorize Secretary of Health &amp; Human services to make grants to complement existing State efforts for providing (1) comprehensive eye ex-</b>	<b>Introduced 5/10/05</b>		

		aminations and (2) treatment or services to correct vision problems.			
<b>FEDERAL</b>	H.R.2328	"Children's Access to Vision Act of 2005." Virtually identical to H.R. 2238, except that Congressional Finding (4) is slightly more expansive.	Introduced 5/12/05		
<b>FEDERAL</b>	H.R.2671	"Vision Preservation Act of 2005:" calls for a variety of preventive health measures with respect to vision loss and expansion of vision rehabilitation services with coverage under Medicare Part B	Introduced 5/26/05.		
<b>FEDERAL</b>	S. 2480 H.R.5762	"Contact Lens Consumer Protection Act." Amends the "Fairness to Contact Lens Consumers Act" [15 U.S.C. 7601 et seq.] to essentially track recently enacted Utah law, including exemptions for gas permeable and keratoconus lenses.	Attempt to add bill language as amendment to an unrelated bill on last day of session failed on procedural vote to suspend the rules.		Introduced in Senate 3/29/06; in House 7/11/06. Bi-partisan sponsorship in Senate: Bennett (R) UT & Leahy (D) VT. In the House: Terry (R) NE.
<b>FEDERAL</b>	H.R.5672	Major appropriations bill (Depts. of State, Justice and Commerce) that has passed House; in the Senate Committee on Appropriations the bill was amended to add, in its entirety, the " <b>Contact Lens Consumer Protection Act</b> " (CLCPA) as section 532 [see S. 2480, above].	Reported to Senate floor 7/13/06. Add to Senate Legislative Calendar under General Orders. Calendar #516.		If Senate passes this version and House agrees to the amendment the CLCPA will become law. Opponents hope to kill the provision in House-Senate Conference Committee.
<b>FEDERAL</b>	S. 3685	"Vision Care for Kids Act of 2006." Slightly refined version of H.R. 2238 and H.R. 2328, but intent and almost all language is identical to those two bills.	Introduced 7/19/06.		Sponsored by Sen. Kit Bond (R) Missouri; endorsed by AAO, AOA, VCA. <b>Recently endorsed by OAA.</b> [See news release elsewhere on OAA website.] Sen. Bond's news release at <a href="http://bond.senate.gov/press_section/record.cfm?id=25">http://bond.senate.gov/press_section/record.cfm?id=25</a>

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<b>FEDERAL</b>	H.R.6117	'Contact Lens Consumer Health Protection Act;' would amend the 'Fairness to Contact Lens Consumers Act' to require contact lens sellers to provide a toll-free phone number and a dedicated email address to facilitate communications from prescribers relating to a verification request.	Introduced 9/20/06		Penalties as high as \$100,000 per violation.
<b>FEDERAL</b>	H.R.6227	"Kids Vision Care Act of 2006." Virtually identical with S. 3685, except for slight difference in bill title and appropriations dates.	Introduced 9/28/06		Sponsored by Rep. Fossella, who also sponsored similar bill H.R. 2328