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## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- OPTICIANS

Introduced By: Representatives Brien, Phillips, and Martin

Date Introduced: March 06, 2012

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. [Persons licensed under this](#)

1 chapter are specifically prohibited from the sale of contact lenses used to treat systemic or ocular  
2 disease and rigid gas permeable contact lenses.

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

5 **5-35.2-5.1. Unlawful sale of contact lenses. -- It is unlawful for any licensed optician to**  
6 sell replacement contact lenses without a valid, original and unexpired contact lens written  
7 prescription from a licensed optometrist or physician in accordance with the federal trade  
8 commission's "Contact Lens Rule" found in title 16 code of federal regulations, part 315 and any  
9 subsequent amendments thereto.

10 A contact lens prescription shall expire one year from the date the prescription was  
11 written unless based on the medical judgment of the prescriber the ocular health of a patient  
12 warrants a shorter expiration date on the prescription.

13 A contact lens prescription shall be considered invalid if the quantity of lenses to be  
14 dispensed would exceed the number of lenses required to fill the remaining duration of the  
15 prescription, unless prior authorization is provided from a licensed optometrist or physician.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS -- OPTICIANS

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1           This act would enable opticians to sell and replace contact lenses if the optician has a  
2 valid, original and unexpired contact lens written prescription from a licensed optometrist or  
3 physician. The sale of contact lenses used to treat systemic or ocular disease and rigid gas  
4 permeable contact lenses are prohibited from sale by opticians.

5           This act would take effect upon passage.

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