

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1502

By: Cox

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 942, which relates to acts by unlicensed persons concerning sales of optical goods and devices; adding to powers and duties of Board of Examiners in Optometry; adding restriction; defining term; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 942, is amended to read as follows:

Section 942. A. It shall be unlawful for any person, firm, corporation, company, or partnership not licensed ~~under~~ pursuant to the provisions of Chapter 11 ~~or~~, Chapter 13 or Chapter 14 of ~~Title 59, Oklahoma Statutes 1951~~ this title, to ~~fit~~:

1. Fit, adjust, adapt, or to in any manner apply lenses, frames, prisms, or any other optical appliances to the face of a person, ~~or to duplicate~~;

2. Duplicate or attempt to duplicate, or to place or replace into the frames, any lenses or other optical appliances which have been prescribed, fitted, or adjusted for visual correction, or which are intended to aid human vision ~~or to give~~;

3. Give any treatment or training designed to aid human vision, ~~or to represent~~

4. Represent or hold ~~himself~~ oneself out to the public as being qualified to do any of the acts listed in this section, ~~except that persons.~~

B. 1. Persons licensed ~~under~~ pursuant to the provisions of Chapters 11 ~~or~~, 13 or 14 of ~~Title 59, Oklahoma Statutes 1951~~ this title may in a written prescription, or its duplicate, authorize any optical supplier to interpret ~~such~~ the prescription, ~~and who.~~ The optical supplier:

a. may, in accordance ~~therewith~~ may with a written prescription or its duplicate, measure, adapt, fit, prepare, dispense, or adjust such lenses, spectacles, eyeglasses, prisms, tinted lenses, frames or appurtenances thereto, to the human face for the aid or correction of visual or ocular anomalies of the human eye~~;~~, and

b. may continue to do ~~the said~~ such acts ~~on the aforesaid~~ upon a written prescription, or its duplicate, ~~provided however, that the.~~

2. The physician or optometrist writing such prescription shall remain responsible for the full effect of the appliances so furnished by ~~such~~ the other person. ~~Provided that~~

C. 1. It is hereby prohibited and declared contrary to the public health and public policy of this state to dispense, supply, fit, adjust, adapt, or in any manner apply contact lenses to the eyes of a person whether or not those contact lenses are designed to aid or correct human vision or are plano or cosmetic contact lenses, without a prescription issued by a person licensed pursuant to Chapter 11, Chapter 13 or Chapter 14 of this title.

2. The Board of Examiners in Optometry may secure an injunction, without bond, in the district courts to prevent the dispensing, supplying, fitting, adjusting, or adapting of any contact lens without a prescription.

3. As used in this section, "plano" means a contact lens with no prescription power.

D. The provisions of this section shall not prevent a qualified person from making repairs to eyeglasses.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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