

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 646

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to the dispensing and fitting of
8 contact lenses; amending 59 O.S. 2001, Section 942,
9 as amended by Section 1, Chapter 47, O.S.L. 2003 (59
10 O.S. Supp. 2010, Section 942), which relates to
11 unlawful practices involving lenses and other optical
12 appliances; authorizing the State Department of
13 Health to secure certain injunction in certain
14 circumstances; and providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2001, Section 942, as
17 amended by Section 1, Chapter 47, O.S.L. 2003 (59 O.S. Supp. 2010,
18 Section 942), is amended to read as follows:

19 Section 942. A. It shall be unlawful for any person, firm,
20 corporation, company, or partnership not licensed pursuant to the
21 provisions of Chapter 11, Chapter 13 or Chapter 14 of this title,
22 to:

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

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

5 3. Give any treatment or training designed to aid human vision;
6 or

7 4. Represent or hold oneself out to the public as being
8 qualified to do any of the acts listed in this section.

9 B. 1. Persons licensed pursuant to the provisions of Chapters
10 11, 13 or 14 of this title may in a written prescription, or its
11 duplicate, authorize any optical supplier to interpret the
12 prescription. The optical supplier:

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

19 b. may continue to do such acts upon a written
20 prescription, or its duplicate.

21 2. The physician or optometrist writing such prescription shall
22 remain responsible for the full effect of the appliances so
23 furnished by the other person.

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

8 2. The Board of Examiners in Optometry and the State Department
9 of Health may secure an injunction, without bond, in the district
10 courts to prevent the dispensing, supplying, fitting, adjusting, or
11 adapting of any contact lens without a prescription.

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

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

16 SECTION 2. This act shall become effective November 1, 2011.

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