

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 449 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/6/09

A Bill

HOUSE BILL 1518

5 By: Representative Reep
6 By: Senators Steele, Lavery, G. Baker
7

For An Act To Be Entitled

10 AN ACT TO AUTHORIZE OPTOMETRISTS OR
11 OPHTHALMOLOGISTS TO SELL OR DISPENSE PRESCRIPTION
12 CONTACT LENSES THAT ARE MEDICATED WITH LEGEND
13 DRUGS THAT ARE AUTHORIZED BY THE FOOD AND DRUG
14 ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

18 TO AUTHORIZE OPTOMETRISTS OR
19 OPHTHALMOLOGISTS TO SELL OR DISPENSE
20 PRESCRIPTION CONTACT LENSES THAT ARE
21 MEDICATED WITH LEGEND DRUGS THAT ARE
22 AUTHORIZED BY THE FOOD AND DRUG
23 ADMINISTRATION.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28 *SECTION 1. Arkansas Code § 17-90-109 is amended to read as follows:*
29 *17-90-109. Regulation of contact lenses.*

30 *(a) No person, firm, corporation, or other legal entity located*
31 *outside the State of Arkansas shall fill, ship, mail, or deliver through*
32 *electronic mail, the Internet, alternative channels, or other means contact*
33 *lenses, vision-correcting contact lenses that have been medicated with legend*
34 *drugs approved by the Food and Drug Administration as of January 1, 2009, or*
35 *prescriptions for contact lenses to a resident of Arkansas without first*



1 *having:*

2 *(1) Registered and paid all applicable fees required by the*
3 *State Board of Optometry;*

4 *(2) Possession of a positively verified written, signed, and*
5 *unexpired contact lens prescription issued, dispensed, sold, or supplied by a*
6 *licensed optometrist or ophthalmologist in compliance with the laws of the*
7 *State of Arkansas and all rules and regulations promulgated by the board; and*

8 *(3) Registered to do business with the Secretary of State and*
9 *designated a registered agent for service of process.*

10 *(b)(1) If a nonresident person, firm, corporation, or legal entity*
11 *fails to comply with the requirements of subsection (a) of this section,*
12 *service of process may be perfected in accordance with the provisions of §*
13 *17-90-106.*

14 *(2) Alternatively, the optometrist or ophthalmologist*
15 *dispensing, selling, or supplying the contact lenses shall be deemed a valid*
16 *agent for service of process for the nonresident person, firm, corporation,*
17 *or legal entity.*

18 *(c)(1) Optometrists and ophthalmologists licensed to practice in*
19 *Arkansas and a person, firm, corporation, or other legal entity outside the*
20 *State of Arkansas authorized under subsection (a) of this section may sell,*
21 *prescribe, or dispense vision-correcting contact lenses that have been*
22 *medicated with legend drugs approved by the Food and Drug Administration as*
23 *of January 1, 2009.*

24 *(2) This subsection does not authorize any optometrist, person,*
25 *firm, or other legal entity to dispense:*

26 *(A) Contact lenses medicated with drugs listed in*
27 *Schedules I and II of the Uniform Controlled Substances Act, §§ 5-64-101 – 5-*
28 *64-508;*

29 *(B) Medicated contact lenses that are not vision-*
30 *correcting; or*

31 *(C) Medicated contact lenses for any purpose other than*
32 *the diagnosis or treatment of diseases and conditions of the eye, lids, and*
33 *adnexa.*

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/s/ Reep

APPROVED: 3/18/2009