

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: S3/17/15*

# A Bill

SENATE BILL 457

5 By: Senator Hester  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF  
9 OPHTHALMIC DISPENSERS; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE LAWS RELATING TO THE  
12 PRACTICE OF OPHTHALMIC DISPENSERS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. Arkansas Code § 17-89-102(4), concerning the definition of*  
20 *ophthalmic dispensing, is amended to read as follows:*

21 *(4)(A) "Ophthalmic dispensing" means the preparation of*  
22 *laboratory work orders, verification, and dispensing of spectacle lenses,*  
23 *spectacles, eyeglasses, or parts thereof to the intended wearer on a written*  
24 *prescription from a licensed physician skilled in disease of the eye or from*  
25 *a licensed optometrist.*

26 *(B) "~~Ophthalmic~~ Ophthalmic dispensing" ~~shall include~~*  
27 *includes:*

28 *(i) The measuring, fitting, adapting, and adjusting*  
29 *of spectacle lenses, spectacles, eyeglasses, or parts thereof to the human*  
30 *face;*

31 *(ii) The preparation and delivery of work orders to*  
32 *laboratory technicians engaged in grinding lenses and fabrication of eyewear;*

33 *(iii) The verification of the quality of finished*  
34 *spectacle lenses, spectacles, or eyeglasses; and*

35 *(iv) The adjustment or repair of spectacle frames to*  
36 *the human face.*



1                   (C) The prescribing, adapting, fitting, ~~duplicating,~~  
2 ~~dispensing, or modifying, selling, or supplying~~ of contact lenses for or to  
3 the human eye is specifically excluded.

4                   (D) Ophthalmic dispensing includes the dispensing,  
5 selling, or supplying of contact lenses by a licensed dispensing optician,  
6 registered dispensing optician, or apprentice dispensing optician if there is  
7 no attempt to practice optometry;

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9           SECTION 2. Arkansas Code § 17-89-103 is amended to read as follows:

10           17-89-103. Exceptions.

11           (a) Except as expressly provided otherwise in this chapter, ~~nothing in~~  
12 ~~this chapter shall~~ this chapter does not apply to persons who sell glasses,  
13 spectacles, lenses, frames, mountings, or prisms at wholesale on individual  
14 prescriptions to licensed optometrists, physicians, or dispensing opticians,  
15 ~~nor shall it~~ and does not prohibit the sale of ready-made eyeglasses and  
16 spectacles when sold as merchandise at any established place of business  
17 where no attempt is made to practice optometry or opticianry.

18           (b)(1) ~~Nothing in this chapter shall~~ This chapter does not prohibit an  
19 employee of an Arkansas-licensed optometrist or an Arkansas-licensed  
20 physician skilled in disease of the eye from performing any of the acts  
21 described in § 17-89-102(4) when the acts are performed in the office of an  
22 Arkansas-licensed optometrist or an Arkansas-licensed physician skilled in  
23 disease of the eye.

24           (2) ~~The employees are~~ A employee is not required to be  
25 registered or licensed under the provisions of this chapter.

26           (c)(1) The provisions of this chapter shall not apply to licensed  
27 optometrists or physicians skilled in disease of the eye, except as stated in  
28 this chapter.

29           (2) It is the specific intent of the General Assembly that this  
30 subsection supplement, not repeal, existing acts of Arkansas.

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32           SECTION 3. Arkansas Code § 17-89-104(c) and (d) are amended to read as  
33 follows:

34           (c) ~~Nothing in this~~ This chapter shall be construed to does not  
35 authorize or permit ~~any~~ a licensed or registered dispensing optician or any  
36 other person except a licensed optometrist or licensed physician skilled in

1 *disease of the eye to undertake or hold himself or herself out as being able:*

2 *(1) To examine eyes by any objective or subjective method or*  
3 *exercise eyes;*

4 *(2) To undertake by any method or means the measurement of the*  
5 *cornea of the human eye; or*

6 *(3) To examine, prescribe, diagnose, treat, or correct for*  
7 *visual deficiency.*

8 *(d) The prescribing, adapting, fitting, ~~duplicating, dispensing, or~~*  
9 *modifying, ~~selling, or supplying~~ of contact lenses for or to the human eye is*  
10 *specifically prohibited except when done by a licensed optometrist, ~~or~~*  
11 *licensed physician skilled in disease of the eye, licensed dispensing*  
12 *optician, registered dispensing optician, or apprentice dispensing optician.*  
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14 *SECTION 4. Arkansas Code § 17-90-109, concerning the regulation of*  
15 *contact lenses, is amended to add an additional subsection to read as*  
16 *follows:*

17 *(d) The board may investigate and discipline a person, firm,*  
18 *corporation, or other legal entity in the State of Arkansas that fills,*  
19 *dispenses, sells, supplies, or delivers contact lenses that are not medicated*  
20 *and without a prescription.*  
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22 */s/Hester*  
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