

By: Representative Fillingane

To: Public Health and Welfare

HOUSE BILL NO. 1365

1 AN ACT TO ENACT THE FAIR TRADE PRACTICE ACT FOR PROCUREMENT
2 OF CONTACT LENS; RELATING TO THE RIGHTS OF CONSUMERS TO PROCURE
3 CONTACT LENSES FROM PERSONS OR COMPANIES OF THEIR CHOICE; TO
4 AUTHORIZE PRESCRIPTIONS TO BE TRANSFERRED OR VERIFIED BY
5 ELECTRONIC MEANS; TO REQUIRE THE RELEASE OF CONTACT LENS
6 PRESCRIPTIONS; TO REQUIRE EYE CARE PROFESSIONALS TO VERIFY OR
7 CONFIRM PRESCRIPTION INFORMATION TO CONTACT LENS PROVIDERS OR
8 OTHER EYE CARE PROFESSIONALS; TO AMEND SECTION 73-19-61, IN
9 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** The following words and phrases shall have the
12 meanings ascribed in this unless the context clearly indicates
13 otherwise:

14 (a) "Contact lens" means a medical device placed on the
15 eye.

16 (b) "Contact lens prescription" means a written or
17 verbal communication issued by an eye care professional,
18 authorized to issue prescriptions, setting forth all of the
19 necessary information to dispense or prepare contact lenses for
20 the consumer.

21 **SECTION 2.** (1) A prescription is required before contacts
22 may be dispensed to any individual.

23 (2) A contact lens prescription may not contain an
24 expiration date which is less than two (2) years from the date of
25 issue unless, in the medical judgment of the eye care
26 professional, there is a medical reason for a shorter period of
27 time. In the event a prescription is issued for a period of less
28 than two (2) years, the medical reason must be explained to the
29 patient in writing, and a signed copy of such explanation shall be
30 preserved in the patient's medical record.



31 **SECTION 3.** (1) Eye care professionals authorized under
32 state law to issue contact lens prescriptions, upon determining
33 the parameters of the lens, shall provide the patient with a
34 contact lens prescription containing all of the necessary
35 information for any eye care professional or contact lens
36 replacement provider to dispense lenses to the customer. In the
37 event an expiration date is not included on the prescription the
38 prescription shall expire two (2) years after the date of issue.

39 (2) When requested by another eye care professional,
40 optical dispenser or contact lens provider, to confirm
41 prescription information for a specified individual, the eye care
42 professional shall confirm all necessary information to enable the
43 person requesting verification to accurately dispense the contact
44 lenses. Confirmation may be requested and responded to in any
45 written form, including by electronic means, such as facsimile or
46 e-mail transmission. In the event confirmation is not made within
47 one (1) hour following the request, all information contained in
48 the request, including the fact that the prescription has not
49 expired, shall be presumed as accurate, and the eye care
50 professional or replacement contact lens provider shall be
51 authorized to dispense lenses pursuant to the prescription.

52 (3) In the event contact lenses are dispensed pursuant
53 to a prescription at a time when the eye care professional's
54 office is closed, and the eye care professional later determines
55 that there is a problem with the prescription, the eye care
56 professional shall notify the dispenser in any written form,
57 including by electronic means such as facsimile or e-mail
58 transmission, of the problem. Upon receipt of such notification,
59 the dispenser shall notify the customer in any written form,
60 including by electronic means such as facsimile or e-mail
61 transmission, provide a copy of the eye care professional's
62 notification, and advise the consumer to return to his or her eye
63 care professional for follow-up care. The eye care professional



64 who informs the dispenser of the problem is relieved of all
65 liability as a result of the dispenser's reliance on the presumed
66 confirmation.

67 **SECTION 4.** All eye care professionals who issue
68 prescriptions for contact lenses shall post a notice, no smaller
69 than one-half (1/2) inch type in the location where payment for
70 services is made, informing patients as follows: "Following the
71 final fitting of your contact lenses you have a right to receive a
72 copy of your contact lens prescription."

73 **SECTION 5.** Section 73-19-61, Mississippi Code of 1972, is
74 amended as follows:

75 73-19-61. It shall be unlawful for any person, persons,
76 corporation, proprietorship, partnership, or any entity other than
77 a licensed optometrist or licensed ophthalmologist to * * *
78 prescribe to the public contact lenses, or to dispense, fit or
79 prescribe any medical appliance having direct contact with the
80 cornea of the eye. However, an optical dispenser or contact lens
81 provider may * * * fill the written contact lens prescription of a
82 licensed optometrist or licensed ophthalmologist provided that
83 such optical dispenser or contact lens provider complies with the
84 provisions of Sections 1 through 4 of this act.

85 **SECTION 6.** This act shall take effect and be in force from
86 and after July 1, 2002.

