AN ACT RELATING TO THE RIGHTS OF CONSUMERS TO PROCURE
REPLACEMENT CONTACT LENSES FROM PERSONS OR COMPANIES OF THEIR
CHOICE ENTITLED THE "FAIR TRADE PRACTICE ACT FOR PROCUREMENT OF
REPLACEMENT CONTACT LENS"; AUTHORIZING PRESCRIPTIONS TO BE
TRANSFERRED OR VERIFIED BY ANY ELECTRONIC MEANS, REQUIRING THE
RELEASE OF CONTACT LENS PRESCRIPTIONS, REQUIRING EYE CARE
PROFESSIONALS TO VERIFY OR CONFIRM PRESCRIPTION INFORMATION TO
REPLACEMENT CONTACT LENS PROVIDERS OR OTHER EYE CARE
PROFESSIONALS, PROVIDING DEFINITIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) This act shall be known and may be cited as
the "Fair Trade Practice Act for Procurement of Replacement
Contact Lens."

(2) As used in this act:

(a) "Contact Lens" means a medical device placed on the
eye.

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

(3) (a) A prescription is required before contacts may be
dispensed to any individual.

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

(4) (a) Eye care professionals authorized to issue contact lens prescriptions shall, upon determining the parameters of the lens, provide the patient with a contact lens prescription containing all of the necessary information for any eye care professional or contact lens replacement provider to dispense lenses to the customer. In the event an expiration date is not included on the prescription, the prescription shall expire on the second anniversary of the date of issue.

(b) When requested by another eye care professional or replacement contact lens provider to confirm prescription information for a specified individual, the eye care professional shall confirm all necessary information to enable the person requesting verification to accurately dispense the contact lenses. Confirmation may be requested and responded to in any written form specifically, including, but not limited to, facsimile or e-mail transmission. In the event confirmation is not made within one hour following the request all information contained in the request, including the fact that the prescription has not expired, shall be presumed as accurate and the eye care professional or replacement contact lens provider shall be authorized to dispense lenses pursuant thereto.

(c) In the event contact lenses are dispensed at a time when the eye care professional's office is closed and the eye care professional determines there is a problem with the prescription, the eye care professional shall notify the dispenser in writing of the problem. Upon receipt of such notification, the dispenser shall notify the customer in writing and provide a copy of the eye care professional's notification and advise the consumer to return to their eye care professional for follow up care. The eye care professional who informs the dispenser of the problem is relieved
of all liability as a result of the dispenser's reliance on the
presumed confirmation.

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.