

By: Senator(s) Chaney

To: Public Health and Welfare

SENATE BILL NO. 2860

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

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

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

14 (2) As used in this act:

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

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

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

24 (b) A contact lens prescription may not contain an  
 25 expiration date shorter than two (2) years from the date of issue  
 26 unless, in the medical judgment of the eye care professional,  
 27 there is a medical reason for a shorter period of time. In the  
 28 event a prescription is issued for a period of less than two (2)  
 29 years the medical reason must be explained to the patient in



30 writing and a signed copy of such explanation shall be preserved  
31 in the patient's medical record.

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

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

53 (c) In the event contact lenses are dispensed at a time  
54 when the eye care professional's office is closed and the eye care  
55 professional determines there is a problem with the prescription,  
56 the eye care professional shall notify the dispenser in writing of  
57 the problem. Upon receipt of such notification, the dispenser  
58 shall notify the customer in writing and provide a copy of the eye  
59 care professional's notification and advise the consumer to return  
60 to their eye care professional for follow up care. The eye care  
61 professional who informs the dispenser of the problem is relieved



62 of all liability as a result of the dispenser's reliance on the  
63 presumed confirmation.

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

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

