An Act to Enact the Fair Trade Practice Act for Procurement of Contact Lenses; Relating to the Rights of Consumers to Procure Contact Lenses from Persons or Companies of Their Choice; To Authorize Prescriptions to Be Transferred or Verified by Electronic Means; To Require the Release of Contact Lens Prescriptions; To Require Eye Care Professionals to Verify or Confirm Prescription Information to Contact Lens Providers or Other Eye Care Professionals; To Amend Section 73-19-61, in Conformity Thereto; and for Related Purposes.

Be it enacted by the Legislature of the State of Mississippi:

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

(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.

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

(2) A contact lens prescription may not contain an expiration date which is less 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.
SECTION 3. (1) Eye care professionals authorized under state law to issue contact lens prescriptions, upon determining the parameters of the lens, shall 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 two (2) years after the date of issue.

(2) When requested by another eye care professional, optical dispenser or 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, including by electronic means, such as facsimile or e-mail transmission. In the event confirmation is not made within one (1) 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 to the prescription.

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

SECTION 4. All eye care professionals who issue prescriptions for 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 5. Section 73-19-61, Mississippi Code of 1972, is amended as follows:

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

SECTION 6. This act shall take effect and be in force from and after July 1, 2003.