

By: Representative Fillingane

To: Public Health and Human Services

HOUSE BILL NO. 876

1 AN ACT TO ENACT THE FAIR TRADE PRACTICE ACT FOR THE
2 PROCUREMENT OF CONTACT LENSES, RELATING TO THE RIGHTS OF CONSUMERS
3 TO PROCURE CONTACT LENSES FROM PERSONS OR COMPANIES OF THEIR
4 CHOICE; TO AUTHORIZE PRESCRIPTIONS TO BE TRANSFERRED OR VERIFIED
5 BY 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 TO THE PRECEDING PROVISIONS; 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 section unless the context clearly
13 indicates 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 authorized
18 to issue prescriptions, setting forth all of the necessary
19 information to dispense or prepare contact lenses for the
20 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 that 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. If a prescription is issued for a period of less than two
28 (2) years, the medical reason must be explained to the patient in
29 writing, and a signed copy of the explanation shall be preserved
30 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. If an
37 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 prescription
41 information for a specified individual, the eye care professional
42 shall confirm all necessary information to enable the person
43 requesting verification to accurately dispense the contact lenses.
44 Confirmation may be requested and responded to in any written
45 form, including by electronic means, such as facsimile or e-mail
46 transmission. If confirmation is not made within one (1) hour
47 following the request, all information contained in the request,
48 including the fact that the prescription has not expired, shall be
49 presumed as accurate, and the eye care professional or replacement
50 contact lens provider shall be authorized to dispense lenses under
51 the prescription.

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

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

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

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

74 73-19-61. It shall be unlawful for any person, persons,
75 corporation, proprietorship, partnership, or any entity other than
76 a licensed optometrist or licensed ophthalmologist to * * *
77 prescribe to the public contact lenses, or to dispense, fit or
78 prescribe any medical appliance having direct contact with the
79 cornea of the eye. However, an optical dispenser or contact lens
80 provider may * * * fill the written contact lens prescription of a
81 licensed optometrist or licensed ophthalmologist, provided that
82 the optical dispenser or contact lens provider complies with the
83 provisions of Sections 1 through 4 of this act.

84 **SECTION 6.** This act shall take effect and be in force from
85 and after July 1, 2005.