

1 HB146
2 181180-1
3 By Representative Shiver
4 RFD: Health
5 First Read: 07-FEB-17

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8 SYNOPSIS: Opticians and contact lens fitters are not
9 licensed in the state.

10 This bill would prohibit an individual from
11 fitting or dispensing eyewear unless he or she is
12 certified to do so by the American Board of
13 Opticianry or is a licensed physician or
14 optometrist.

15 This bill would prohibit an individual from
16 fitting or dispensing contact lenses unless he or
17 she is certified to do so by the American Board of
18 Opticianry and the National Contact Lens Examiners
19 or is a licensed physician or optometrist.

20 This bill would authorize a certified
21 contact lens fitter to fit and dispense contact
22 lenses only to the extent authorized and under the
23 supervision of a prescribing physician or
24 optometrist.

25 This bill would also provide for penalties
26 for violations.

1 Amendment 621 of the Constitution of Alabama
2 of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of
4 Alabama of 1901, as amended, prohibits a general
5 law whose purpose or effect would be to require a
6 new or increased expenditure of local funds from
7 becoming effective with regard to a local
8 governmental entity without enactment by a 2/3 vote
9 unless: it comes within one of a number of
10 specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

14 The purpose or effect of this bill would be
15 to require a new or increased expenditure of local
16 funds within the meaning of the amendment. However,
17 the bill does not require approval of a local
18 governmental entity or enactment by a 2/3 vote to
19 become effective because it comes within one of the
20 specified exceptions contained in the amendment.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to opticians; to prohibit an individual
27 from fitting or dispensing eyewear unless he or she is

1 certified to do so by the American Board of Opticianry or is a
2 licensed physician or optometrist; to prohibit an individual
3 from fitting or dispensing contact lenses unless he or she is
4 certified to do so by the American Board of Opticianry and the
5 National Contact Lens Examiners or is a licensed physician or
6 optometrist; to authorize a certified contact lens fitter to
7 fit and dispense contact lenses only to the extent authorized
8 and under the supervision of a prescribing physician or
9 optometrist; to provide for penalties for violations; and in
10 connection therewith would have as its purpose or effect the
11 requirement of a new or increased expenditure of local funds
12 within the meaning of Amendment 621 of the Constitution of
13 Alabama of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of Alabama of 1901,
15 as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) An individual may not hold himself or
18 herself out to be an optician unless he or she is certified by
19 the American Board of Opticianry. It shall be unlawful for an
20 individual other than a certified optician, a licensed
21 physician, or a licensed optometrist to fit or dispense
22 eyeglasses or eyewear in this state.

23 (b) An individual may not hold himself or herself
24 out to be a contact lens fitter unless he or she is certified
25 by the American Board of Opticianry and the National Contact
26 Lens Examiners. It shall be unlawful for an individual other
27 than a certified contact lens fitter, a licensed physician, or

1 a licensed optometrist to fit or dispense contact lenses in
2 this state. A certified contact lens fitter may only fit and
3 dispense contact lenses to the extent authorized and under the
4 supervision of a prescribing licensed physician or licensed
5 optometrist.

6 (c) An individual violating this section shall be
7 guilty of a Class C misdemeanor.

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.