

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0523.01 Kristen Forrestal x4217

HOUSE BILL 14-1099

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HOUSE SPONSORSHIP

Schafer, Peniston, Ryden

SENATE SPONSORSHIP

Aguilar,

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House Committees  
Health, Insurance, & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PRESCRIPTION DRUGS IN THE PRACTICE OF OPTOMETRY.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law allows an optometrist to prescribe only schedule III, IV, and V drugs. The bill allows an optometrist to continue to prescribe the current schedule III drugs, hydrocodone and hydrocodone combination drugs, when these drugs are reclassified as schedule II drugs. The bill clarifies that an optometrist may charge a fee for prescribing and dispensing drugs for ophthalmic purposes.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-40-102, **amend**

3 (1) (a), (1) (d) (II), and (5) (b) as follows:

4 **12-40-102. Practice of optometry defined.** (1) (a) The "practice  
5 of optometry" means the evaluation, diagnosis, prevention, or treatment  
6 of diseases, disorders, or conditions of the vision system, eyes, and  
7 adjacent and associated structures, including the use or prescription of  
8 lenses, prisms, vision therapy, vision rehabilitation, and prescription or  
9 nonprescription drugs including schedule III, IV, and V controlled  
10 narcotic substances for ocular disease, AND HYDROCODONE AND  
11 HYDROCODONE COMBINATION DRUGS, so long as an optometrist is  
12 practicing within the scope of his or her education as is commonly taught  
13 in accredited schools and colleges of optometry and is practicing in  
14 accordance with applicable federal and Colorado law and board rules.

15 (d) The "practice of optometry" does not include:

16 (II) The use of schedule I or II narcotics, EXCEPT FOR  
17 HYDROCODONE AND HYDROCODONE COMBINATION DRUGS;

18 (5) (b) Nothing in this section prohibits an optometrist from  
19 charging a fee for prescribing, adjusting, fitting, adapting, or dispensing  
20 DRUGS FOR OPHTHALMIC PURPOSES AND ophthalmic devices, such as  
21 contact lenses, that are classified by the federal food and drug  
22 administration as a drug OR DEVICE, as long as the drug PRESCRIBED,  
23 DISPENSED, OR delivered by the ophthalmic device is not a schedule I or  
24 II controlled substance, WITH THE EXCEPTION OF HYDROCODONE AND  
25 HYDROCODONE COMBINATION DRUGS.

26 **SECTION 2.** In Colorado Revised Statutes, 12-42.5-118, **amend**

1 (6) (c) as follows:

2 **12-42.5-118. Compounding - dispensing - sale of drugs and**  
3 **devices - rules.** (6) (c) Nothing in this section prohibits an optometrist  
4 licensed pursuant to article 40 of this title or a physician licensed pursuant  
5 to article 36 of this title from charging a fee for prescribing, adjusting,  
6 fitting, adapting, or dispensing DRUGS FOR OPHTHALMIC PURPOSES AND  
7 ophthalmic devices, such as contact lenses, that are classified by the  
8 federal food and drug administration as a drug OR DEVICE, as long as the  
9 activity is within the scope of practice of the optometrist pursuant to  
10 article 40 of this title or the scope of practice of the physician pursuant to  
11 article 36 of this title.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.