

58-16a-904 Certification of availability of contact lenses -- Exceptions.

- (1) Beginning July 1, 2006, a manufacturer of contact lenses doing business in the state shall certify by affidavit to the Attorney General those brands of contact lenses produced, marketed, distributed, or sold by the manufacturer in the state that are made available in a commercially reasonable and nondiscriminatory manner to:
 - (a) prescribers;
 - (b) entities associated with prescribers; and
 - (c) alternative channels of distribution.
- (2) Notwithstanding any other provision of law, a manufacturer shall only sell, market, or distribute lenses in Utah that have been certified under Subsection (1).
- (3) Subsections (1) and (2) do not apply to:
 - (a) rigid gas permeable lenses;
 - (b) bitoric gas permeable lenses;
 - (c) bifocal gas permeable lenses;
 - (d) keratoconus lenses;
 - (e) custom soft toric lenses that are manufactured for an individual patient and are not mass marketed or mass produced; and
 - (f) custom designed lenses that are manufactured for an individual patient and are not mass marketed or mass produced.
- (4) Any time a brand ceases to be made available after July 1, 2006, the manufacturer shall immediately certify that fact by affidavit to the Attorney General.

Enacted by Chapter 245, 2006 General Session