

58-16a-801 Contact lens and ophthalmic lens seller or provider.

- (1) A person may sell or provide contact lenses if the person:
 - (a) does so in the ordinary course of trade from a permanently located and established place of business;
 - (b) does not perform refractions, over-refractions, or attempts to traffic upon assumed skill in testing the eye;
 - (c) provides all contact lenses consistent with and in accordance with a valid contact lens prescription;
 - (d) does not fit contact lenses;
 - (e) provides a contact lens to a patient after:
 - (i) receiving an unexpired verbal or written prescription; or
 - (ii) sending a contact lens prescription verification to the prescribing optometrist or physician, regardless of whether the prescribing optometrist or physician responds to or confirms the verification, provided that:
 - (A) the person has all of the information necessary to fill the prescription;
 - (B) the prescribing optometrist or physician has not informed the person that the prescription has expired or is otherwise inaccurate prior to the person shipping or hand-delivering the contact lens to the patient;
 - (C) the person confirms a valid, unexpired contact lens prescription for the patient if the person is aware that the patient provided inaccurate prescription information in his last order; and
 - (D) the person informs the patient that the prescription has expired or that there is a medical problem associated with the prescription if the information is communicated by the prescribing optometrist or physician to the person within 72 hours of the contact lens prescription verification being sent; and
 - (f) maintains patient information, including the method and date of any prescription verification, for no less than seven years.
- (2)
 - (a) A person may engage in the activities described in Subsection (2)(b), without a license under this title, if the person:
 - (i) provides the ophthalmic lenses consistent with and in accordance with a prescription from a licensed physician or optometrist that is unexpired as provided in Subsection 58-16a-102(8)(b);
 - (ii) dispenses the ophthalmic lenses within or from the state;
 - (iii) does so in the ordinary course of trade from a permanently located and established place of business;
 - (iv) does not perform refractions, over-refractions, or attempt to traffic upon assumed skill in licensed physician or optometrist testing of the eye; and
 - (v) complies with impact tolerance standards based on ANSI Z80.1-2010, American National Standard for Ophthalmics - Prescription Lenses.
 - (b) In accordance with Subsection (2)(a), a person may:
 - (i) sell, reproduce, or dispense ophthalmic lenses;
 - (ii) fit or adjust ophthalmic lenses or frames;
 - (iii) assist with the selection of frames for ophthalmic lenses;
 - (iv) measure pupillary distance and interpret pupillary distance measurements; or
 - (v) measure or interpret the reading segment height in bifocal, tri-focal, progressive, or multi-focal lenses.

(3) Nothing in this section may be construed as requiring a person to be licensed or certified in any way under this or any another chapter of this title to sell contact lenses in accordance with Subsection (1), or to sell ophthalmic lenses in accordance with Subsection (2).

Amended by Chapter 256, 2012 General Session