

1st Sub. S.B. 176

CONTACT LENS CONSUMER PROTECTION ACT

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 16, 2006 10:56 AM

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 1, Lines 18 through 20:*

18 commercially reasonable and nondiscriminatory manner to prescribers and ~~{directly~~
19 ~~to, and generally within, all}~~ entities associated with prescribers and to alternative channels of
distribution, may not also sell
20 that brand to the same patient unless it is certified at the time of sale;

2. *Page 2, Lines 55 through 56:*

55 (1) "Alternative channels of distribution" means ~~{a}~~ any mail order company, Internet
56 retailer, pharmacy, buying club, department store, or mass merchandise outlet, without regard

3. *Page 3, Lines 74 through 75:*

74 (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 .
75 (3) This section supercedes conflicting sections.

4. *Page 3, Lines 81 through 82:*

81 reasonable and nondiscriminatory manner to prescribers and entities associated with prescribers
82 and ~~{directly}~~ to ~~{, and generally within, all}~~ alternative channels of distribution.

5. *Page 3, Lines 83 through 86:*

83 (2) If a manufacturer certifies its lenses under Subsection (1), it shall also file a copy of
84 the affidavit required under Subsection (1) with the ~~{State Board of Optometry}~~ Optometrist
Licensing Board and the ~~{State}~~
85 ~~{Board of}~~ Physicians Licensing Board ~~{Medical}~~ ~~{Examiners}~~ .
86 (3) Subsections (1) and (2) also apply any time a brand is made available.

6. *Page 4, Lines 89 through 91:*

- 89 (a) the Attorney General;
90 (b) the ~~{State Board of Optometry}~~ Optometrist Licensing Board ; and
91 (c) the ~~{State}~~ ~~{Board of Examiners}~~ Physicians Licensing Board .

7. Page 4, Lines 94 through 96:

- 94 (1) In order for a prescriber to determine which brands of contact lenses may be
95 prescribed and sold to the same patient under this part, the ~~{State Board of Optometry}~~ Optometrist
Licensing Board and the
96 ~~{State}~~ ~~{Board of}~~ ~~{Medical}~~ ~~{Examiners}~~ Physicians Licensing Board shall