

1 **CONTACT LENS CONSUMER PROTECTION ACT**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Deidre M. Henderson**

6 House Sponsor: John Knotwell

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Contact Lens Consumer Protection Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ prohibits a contact lens manufacturer or a contact lens distributor from:
- 14 • taking certain actions to control the price that a contact lens retailer charges or
- 15 advertises for contact lenses; or
- 16 • discriminating against a contact lens retailer under certain circumstances;
- 17 ▶ addresses the penalty for a violation of a provision of this bill; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-16a-906**, as enacted by Laws of Utah 2006, Chapter 245

26 ENACTS:

27 **58-16a-905.1**, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-16a-905.1** is enacted to read:

58-16a-905.1. Contact lens manufacturer or distributor -- Prohibited conduct.

A contact lens manufacturer or a contact lens distributor may not:

(1) take any action, by agreement, unilaterally, or otherwise, that has the effect of fixing or otherwise controlling the price that a contact lens retailer charges or advertises for contact lenses; or

(2) discriminate against a contact lens retailer based on whether the contact lens retailer:

(a) sells or advertises contact lenses for a particular price;

(b) operates in a particular channel of trade;

(c) is a person authorized by law to prescribe contact lenses; or

(d) is associated with a person authorized by law to prescribe contact lenses.

Section 2. Section **58-16a-906** is amended to read:

58-16a-906. Penalties for violations.

(1) [~~Knowingly~~] A person who knowingly and intentionally [~~violating~~] violates a provision of Section 58-16a-904 [is] or 58-16a-905.1 is guilty of a class A misdemeanor.

(2) The attorney general may bring a civil action or seek an injunction and a civil penalty against [~~a~~] any person [~~, entity, or manufacturer~~] who violates a provision of Section 58-16a-904 or 58-16a-905.1.

Legislative Review Note
as of 12-30-14 9:00 AM

Office of Legislative Research and General Counsel