

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H3/12/03*

# A Bill

Act 866 of 2003  
HOUSE BILL 2286

5 By: Representatives Bradford, S. Prater, Creekmore, Martin, J. Johnson, Sumpter, *Matayo*  
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## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 PERTAINING TO THE PRACTICE OF OPTOMETRY; AND FOR  
11 OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO AMEND PROVISIONS OF THE  
15 ARKANSAS CODE PERTAINING TO THE PRACTICE  
16 OF OPTOMETRY.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 17-90-108(a), concerning the requirements  
22 for optometrists and ophthalmologists to provide eyeglass prescriptions to  
23 patients, is amended to read as follows:

24 (a)(1) At the completion of an ophthalmic examination by any licensed  
25 optometrist or by any physician who practices as an ophthalmologist ~~or~~  
26 ~~oculist~~ in this state if, as a result of the examination, the practitioner  
27 recommends that the patient needs eyeglasses of common availability within  
28 the state, then the optometrist or physician practicing as an ophthalmologist  
29 ~~or oculist~~ shall upon request of the patient provide to the patient a  
30 complete and accurate written prescription at no additional charge.

31 ~~(2) Contact lenses are specifically excluded from this~~  
32 ~~requirement.~~

33 (2)(A) Contact lens prescriptions, written and signed, shall be  
34 released without additional charge upon request of the patient after the  
35 completion of the fitting and upon payment being made for the examination and  
36 fitting.



1                   (B) Contact lens prescriptions released and filled shall  
2 be dispensed, sold, and supplied after positive verification only in  
3 accordance with the laws of the State of Arkansas and the rules and  
4 regulations promulgated and administered by the State Board of Optometry.

5                   (3) A written contact lens prescription shall expire one (1)  
6 year after the date of the completion of the contact lens fitting, unless  
7 there is a medical reason that warrants a prescription for less than one (1)  
8 year.

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10           SECTION 2. Arkansas Code Title 17, Chapter 90, Subchapter 1, is  
11 amended by adding additional sections to read as follows:

12           17-90-109. (a) No person, firm, corporation, or other legal entity  
13 located outside the State of Arkansas shall fill, ship, mail, or deliver  
14 through electronic mail, the Internet, alternative channels or other means,  
15 contact lenses or prescriptions for contact lenses to a resident of Arkansas  
16 without first having:

17                   (1) Registered and paid all applicable fees required by the  
18 State Board of Optometry;

19                   (2) Possession of a positively verified written, signed, and  
20 unexpired contact lens prescription issued, dispensed, sold, or supplied by a  
21 licensed optometrist or ophthalmologist in compliance with the laws of the  
22 State of Arkansas and all rules and regulations promulgated by the State  
23 Board of Optometry; and

24                   (3) Registered to do business with the Secretary of State and  
25 designated a registered agent for service of process.

26                   (b) If a nonresident person, firm, corporation, or legal entity fails  
27 to comply with the requirements of § 17-90-109(a), service of process may be  
28 perfected in accordance with the provisions of § 17-90-106; or alternatively,  
29 the optometrist or ophthalmologist dispensing, selling, or supplying the  
30 contact lenses shall be deemed a valid agent for service of process for the  
31 nonresident person, firm, corporation, or legal entity.

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33           17-90-110. Any optometrist or ophthalmologist who releases a contact  
34 lens prescription in accordance with § 17-90-108(a)(2) shall not be liable  
35 for any damages for injury resulting from the purchasing, manufacturing, or  
36 dispensing of the contact lenses unless the contact lens seller and the

1 contact lens prescriber are the same person.

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*/s/ Bradford, et al*

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*APPROVED: 3/31/2003*

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