

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 1518

"TO AUTHORIZE OPTOMETRISTS OR OPHTHALMOLOGISTS TO SELL OR DISPENSE
PRESCRIPTION CONTACT LENSES THAT ARE MEDICATED WITH LEGEND DRUGS
THAT ARE AUTHORIZED BY THE FOOD AND DRUG ADMINISTRATION."

Amendment No. 1 to House Bill No. 1518.

Amend House Bill No. 1518 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 17-90-109 is amended to read as follows:
17-90-109. Regulation of contact lenses.

(a) No person, firm, corporation, or other legal entity located outside the State of Arkansas shall fill, ship, mail, or deliver through electronic mail, the Internet, alternative channels, or other means contact lenses, vision-correcting contact lenses that have been medicated with legend drugs approved by the Food and Drug Administration as of January 1, 2009, or prescriptions for contact lenses to a resident of Arkansas without first having:

- (1) Registered and paid all applicable fees required by the State Board of Optometry;
- (2) Possession of a positively verified written, signed, and unexpired contact lens prescription issued, dispensed, sold, or supplied by a licensed optometrist or ophthalmologist in compliance with the laws of the State of Arkansas and all rules and regulations promulgated by the board; and
- (3) Registered to do business with the Secretary of State and designated a registered agent for service of process.

(b)(1) If a nonresident person, firm, corporation, or legal entity fails to comply with the requirements of subsection (a) of this section, service of process may be perfected in accordance with the provisions of § 17-90-106.

(2) Alternatively, the optometrist or ophthalmologist dispensing, selling, or supplying the contact lenses shall be deemed a valid agent for service of process for the nonresident person, firm, corporation, or legal entity.

(c)(1) Optometrists and ophthalmologists licensed to practice in Arkansas and a person, firm, corporation, or other legal entity outside the State of Arkansas authorized under subsection (a) of this section may sell, prescribe, or dispense vision-correcting contact lenses that have been



medicated with legend drugs approved by the Food and Drug Administration as of January 1, 2009.

(2) This subsection does not authorize any optometrist, person, firm, or other legal entity to dispense:

(A) Contact lenses medicated with drugs listed in Schedules I and II of the Uniform Controlled Substances Act, §§ 5-64-101 – 5-64-508;

(B) Medicated contact lenses that are not vision-correcting; or

(C) Medicated contact lenses for any purpose other than the diagnosis or treatment of diseases and conditions of the eye, lids, and adnexa."

The Amendment was read _____
By: Representative Reep
MAG/CDS - 03-04-2009 08:06
MAG195 _____ Chief Clerk