

(P.685) 3-15-94 Senate - State Gov.
(P.743) 3-17-94 Senate - Amend/Res Pan
W/55249

FEB 25 1994

Place On Calendar

HOUSE FILE 2309

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 660)

Passed House, ^(P.554) Date 3-10-94 Passed Senate, ^(P.890) Date 3/29/94
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved April 19, 1994

A BILL FOR

1 An Act relating to the provision of contact lenses and spectacle
2 lenses and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

HOUSE FILE 2309

S-5249

1 Amend House File 2309, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "person." the following: "A person licensed under
5 chapter 148, 150, 150A, or 154 shall not withhold a
6 contact lens prescription after the requirements of
7 this section have been met."

8 2. Page 1, line 27, by striking the words "that
9 original" and inserting the following: "a valid".

10 3. Page 2, by striking lines 11 and 12 and
11 inserting the following: "prescription shall contain
12 an expiration date. The ophthalmic spectacle lens
13 prescription shall".

14 4. Page 2, line 28, by striking the words "that
15 original" and inserting the following: "a valid".

By COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

Adopted 3/29/94 (P.889)
S-5249 FILED MARCH 17, 1994

HF 2309

20
21
22
23

1 Section 1. NEW SECTION. 147.108 CONTACT LENS PRESCRIBING
2 AND DISPENSING.

3 1. A person shall not dispense or adapt contact lenses
4 without first receiving authorization to do so by a written
5 prescription, except when authorized orally under subsection
6 2, from a person licensed under chapter 148, 150, 150A, or
7 154.

8 2. After contact lenses have been adequately adapted and
9 the patient released from initial follow-up care by a person
10 licensed under chapter 148, 150, 150A, or 154, the patient may
11 request a copy, at no cost, of the contact lens prescription
12 from that licensed person. The prescription, at the option of
13 the prescriber, may be given orally only to a person who is
14 actively practicing and licensed under chapter 148, 150, 150A,
15 154, or 155A. The contact lens prescription shall contain an
16 expiration date, at the discretion of the prescriber, but not
17 to exceed eighteen months. The contact lens prescription
18 shall contain the necessary requirements of the ophthalmic
19 lens, and the prescription validation requirements as defined
20 by rules adopted pursuant to this section. The prescription
21 may contain adapting and material guidelines and may also
22 contain specific instructions for use by the patient. For the
23 purpose of this section, "ophthalmic lens" means one which has
24 been fabricated to fill the requirements of a particular
25 contact lens prescription.

26 3. A person who fills a contact lens prescription shall
27 maintain a file of that original prescription for a period of
28 two years.

29 4. Notwithstanding section 147.86, a person who violates
30 this section is guilty of a simple misdemeanor for a first
31 violation. Subsequent violations are governed by section
32 147.86.

33 Sec. 2. NEW SECTION. 147.109 OPHTHALMIC SPECTACLE LENS
34 PRESCRIBING AND DISPENSING.

35 1. A person shall not dispense or adapt an ophthalmic

1 spectacle lens or lenses without first receiving authorization
2 to do so by a written prescription from a person licensed
3 under chapter 148, 150, 150A, or 154. For the purpose of this
4 section, "ophthalmic spectacle lens" means one which has been
5 fabricated to fill the requirements of a particular spectacle
6 lens prescription.

7 2. Upon completion of an eye examination, a person
8 licensed under chapter 148, 150, 150A, or 154 shall furnish
9 the patient a copy of their ophthalmic spectacle lens
10 prescription at no cost. The ophthalmic spectacle lens
11 prescription shall contain an expiration date, not to exceed
12 two years. The ophthalmic spectacle lens prescription shall
13 contain the requirements of the ophthalmic spectacle lens and
14 the prescription validation requirements as defined by rules
15 adopted pursuant to this section. The prescription, at the
16 option of the prescriber, may contain adapting and material
17 guidelines and may also contain specific instructions for use
18 by the patient.

19 3. A dispenser shall maintain a file of that original
20 prescription for a period of two years.

21 4. Notwithstanding section 147.86, a person who violates
22 this section is guilty of a simple misdemeanor for a first
23 violation. Subsequent violations are governed by section
24 147.86.

25 Sec. 3. Section 154.9, Code 1993, is repealed.

26 EXPLANATION

27 This bill provides that only a person in possession of a
28 prescription written by a person licensed under chapter 148,
29 150, 150A, or 154 may dispense or adapt contact lenses or
30 spectacle lenses. A person licensed under the above
31 referenced chapters shall provide a patient with a copy of the
32 patient's prescription at no cost after completion of an eye
33 examination for spectacle lenses or for contact lenses, upon
34 the patient's request, and for contact lenses after the
35 contact lenses have been adequately adapted and the patient

1 released from initial follow-up care. A prescriber may give a
2 contact lens prescription orally to a person licensed under
3 chapter 148, 150, 150A, 154, or 155A. The prescription for
4 spectacle lenses shall have a maximum two-year expiration date
5 and the prescription for contact lenses shall have a maximum
6 18-month expiration date. Information required on the
7 prescription shall be established by rule.

8 A simple misdemeanor penalty applies for the first
9 violation of the bill's provisions. Subsequent violations
10 fall under section 147.86 which provides for a serious
11 misdemeanor penalty.

12 Section 154.9, which provides that optometrists provide
13 prescriptions for ground ophthalmic lenses, is repealed.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2309
FISCAL NOTE

The estimate for House File 2309 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2309 contains provisions relating to prescribing and dispensing eyeglasses and contact lenses.

Fiscal Impact:

The bill is not expected to have a significant fiscal impact on the General Fund.

Correctional Impact:

There is no impact to the correctional system.

Sources:

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Department of Public Health
Parole Board

(LSB 3570hv, VMT)

FILED MARCH 3, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2309
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 660)

(As Amended and Passed by the House March 10, 1994)

Passed House, (P. 1343) Date 4-8-94 Passed Senate, (P. 890) Date 3/29/94
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved April 19, 1994

A BILL FOR

1 An Act relating to the provision of contact lenses and spectacle
2 lenses and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

6

House Amendments _____

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 Section 1. NEW SECTION. 147.108 CONTACT LENS PRESCRIBING
2 AND DISPENSING.

3 1. A person shall not dispense or adapt contact lenses
4 without first receiving authorization to do so by a written
5 prescription, except when authorized orally under subsection
6 2, from a person licensed under chapter 148, 150, 150A, or
7 154.

8 2. After contact lenses have been adequately adapted and
9 the patient released from initial follow-up care by a person
10 licensed under chapter 148, 150, 150A, or 154, the patient may
11 request a copy, at no cost, of the contact lens prescription
12 from that licensed person. The prescription, at the option of
13 the prescriber, may be given orally only to a person who is
14 actively practicing and licensed under chapter 148, 150, 150A,
15 154, or 155A. The contact lens prescription shall contain an
16 expiration date, at the discretion of the prescriber, but not
17 to exceed eighteen months. The contact lens prescription
18 shall contain the necessary requirements of the ophthalmic
19 lens, and the prescription validation requirements as defined
20 by rules adopted pursuant to this section. The prescription
21 may contain adapting and material guidelines and may also
22 contain specific instructions for use by the patient. For the
23 purpose of this section, "ophthalmic lens" means one which has
24 been fabricated to fill the requirements of a particular
25 contact lens prescription.

26 3. A person who fills a contact lens prescription shall
27 maintain a file of that original prescription for a period of
28 two years.

29 4. Notwithstanding section 147.86, a person who violates
30 this section is guilty of a simple misdemeanor for a first
31 violation. Subsequent violations are governed by section
32 147.86.

33 Sec. 2. NEW SECTION. 147.109 OPHTHALMIC SPECTACLE LENS
34 PRESCRIBING AND DISPENSING.

35 1. A person shall not dispense or adapt an ophthalmic

1 spectacle lens or lenses without first receiving authorization
2 to do so by a written prescription from a person licensed
3 under chapter 148, 150, 150A, or 154. For the purpose of this
4 section, "ophthalmic spectacle lens" means one which has been
5 fabricated to fill the requirements of a particular spectacle
6 lens prescription.

7 2. Upon completion of an eye examination, a person
8 licensed under chapter 148, 150, 150A, or 154 shall furnish
9 the patient a copy of their ophthalmic spectacle lens
10 prescription at no cost. The ophthalmic spectacle lens
11 prescription shall contain an expiration date, not to exceed
12 two years. The ophthalmic spectacle lens prescription shall
13 contain the requirements of the ophthalmic spectacle lens and
14 the prescription validation requirements as defined by rules
15 adopted pursuant to this section. The prescription, at the
16 option of the prescriber, may contain adapting and material
17 guidelines and may also contain specific instructions for use
18 by the patient.

19 3. Upon request of a patient, a person licensed under
20 chapter 148, 150, 150A, or 154 shall provide the prescription
21 of the patient, if the prescription has not expired, at no
22 cost to another person licensed under chapter 148, 150, 150A,
23 or 154. The person licensed under chapter 148, 150, 150A, or
24 154 shall accept the prescription and shall not require the
25 patient to undergo an eye examination unless, due to
26 observation or patient history, the licensee has reason to
27 require an examination.

28 4. A dispenser shall maintain a file of that original
29 prescription for a period of two years.

30 5. Notwithstanding section 147.86, a person who violates
31 this section is guilty of a simple misdemeanor for a first
32 violation. Subsequent violations are governed by section
33 147.86.

34 Sec. 3. Section 154.9, Code 1993, is repealed.

35

SENATE AMENDMENT TO HOUSE FILE 2309

H-5797

- 1 Amend House File 2309, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "person." the following: "A person licensed under
5 chapter 148, 150, 150A, or 154 shall not withhold a
6 contact lens prescription after the requirements of
7 this section have been met."
8 2. Page 1, line 27, by striking the words "that
9 original" and inserting the following: "a valid".
10 3. Page 2, by striking lines 11 and 12 and
11 inserting the following: "prescription shall contain
12 an expiration date. The ophthalmic spectacle lens
13 prescription shall".
14 4. Page 2, line 28, by striking the words "that
15 original" and inserting the following: "a valid".

RECEIVED FROM THE SENATE

H-5797 FILED MARCH 29, 1994

*House Concurred 4-8-94
(P. 1343)*

HOUSE FILE 2309

H-5109

1 Amend House File 2309 as follows:

2 1. Page 1, by inserting after line 25 the
3 following:

4 "_____. Upon request of a patient, a person licensed
5 under chapter 148, 150, 150A, or 154 shall provide the
6 prescription of the patient, if the prescription has
7 not expired, at no cost to another person licensed
8 under chapter 148, 150, 150A, 154, or 155A. The
9 person licensed under chapter 148, 150, 150A, 154, or
10 155A shall accept the prescription and shall not
11 require the patient to undergo an eye examination."

12 2. Page 2, by inserting after line 18 the
13 following:

14 "_____. Upon request of a patient, a person licensed
15 under chapter 148, 150, 150A, or 154 shall provide the
16 prescription of the patient, if the prescription has
17 not expired, at no cost to another person licensed
18 under chapter 148, 150, 150A, 154, or 155A. The
19 person licensed under chapter 148, 150, 150A, 154, or
20 155A shall accept the prescription and shall not
21 require the patient to undergo an eye examination."

22 3. By renumbering as necessary.

By HANSON of Delaware

H-5109 FILED FEBRUARY 28, 1994

A. *Withdrawn 3-10-94 (P 553)*

B. *Adopted 3-10-94 (P 553)*

HOUSE FILE 2309

H-5284

1 Amend the amendment, H-5109, to House File 2309, as
2 follows:

3 1. Page 1, by striking lines 13 through 21 and
4 inserting the following: "under chapter 148, 150,
5 150A, or 154. The person licensed under chapter 148,
6 150, 150A, or 154 shall accept the prescription and
7 shall not require the patient to undergo an eye
8 examination unless, due to observation or patient
9 history, the licensee has reason to require an
10 examination."

By HANSON of Delaware

H-5284 FILED MARCH 10, 1994

Adopted

Trake, Chair
Beatty
Hanson of Delaware

HSB 660

STATE GOVERNMENT
HOUSE FILE 2309
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON CARPENTER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the provision of contact lenses and spectacle
2 lenses and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 147.108 CONTACT LENS PRESCRIBING
2 AND DISPENSING.

3 1. A person shall not dispense or adapt contact lenses
4 without first receiving authorization to do so by a written
5 prescription, except when authorized orally under subsection
6 2, from a person licensed under chapter 148, 150, 150A, or
7 154.

8 2. After contact lenses have been adequately adapted and
9 the patient released from initial follow-up care by a person
10 licensed under chapter 148, 150, 150A, or 154, the patient may
11 request a copy, at no cost, of the contact lens prescription
12 from that licensed person. The prescription, at the option of
13 the prescriber, may be given orally only to a person who is
14 actively practicing and licensed under chapter 148, 150, 150A,
15 154, or 155A. The contact lens prescription shall contain an
16 expiration date, at the discretion of the prescriber, but not
17 to exceed eighteen months. The contact lens prescription
18 shall contain the necessary requirements of the ophthalmic
19 lens, and the prescription validation requirements as defined
20 by rules adopted pursuant to this section. The prescription
21 may contain adapting and material guidelines and may also
22 contain specific instructions for use by the patient. For the
23 purpose of this section, "ophthalmic lens" means one which has
24 been fabricated to fill the requirements of a particular
25 contact lens prescription.

26 3. A person who fills a contact lens prescription shall
27 maintain a file of that original prescription for a period of
28 two years.

29 4. Notwithstanding section 147.86, a person who violates
30 this section is guilty of a simple misdemeanor for a first
31 violation. Subsequent violations are governed by section
32 147.86.

33 Sec. 2. NEW SECTION. 147.109 OPHTHALMIC SPECTACLE LENS
34 PRESCRIBING AND DISPENSING.

35 1. A person shall not dispense or adapt an ophthalmic

1 spectacle lens or lenses without first receiving authorization
2 to do so by a written prescription from a person licensed
3 under chapter 148, 150, 150A, or 154. For the purpose of this
4 section, "ophthalmic spectacle lens" means one which has been
5 fabricated to fill the requirements of a particular spectacle
6 lens prescription.

7 2. Upon completion of an eye examination, a person
8 licensed under chapter 148, 150, 150A, or 154 shall furnish
9 the patient a copy of their ophthalmic spectacle lens
10 prescription at no cost. The ophthalmic spectacle lens
11 prescription shall contain an expiration date, not to exceed
12 two years. The ophthalmic spectacle lens prescription shall
13 contain the requirements of the ophthalmic spectacle lens and
14 the prescription validation requirements as defined by rules
15 adopted pursuant to this section. The prescription, at the
16 option of the prescriber, may contain adapting and material
17 guidelines and may also contain specific instructions for use
18 by the patient.

19 3. A dispenser shall maintain a file of that original
20 prescription for a period of two years.

21 4. Notwithstanding section 147.86, a person who violates
22 this section is guilty of a simple misdemeanor for a first
23 violation. Subsequent violations are governed by section
24 147.86.

25 Sec. 2. Section 154.9, Code 1993, is repealed.

26 EXPLANATION

27 This bill provides that only a person in possession of a
28 prescription written by a person licensed under chapter 148,
29 150, 150A, or 154 may dispense or adapt contact lenses or
30 spectacle lenses. A person licensed under the above
31 referenced chapters shall provide a patient with a copy of the
32 patient's prescription at no cost after completion of an eye
33 examination for spectacle lenses or for contact lenses, upon
34 the patient's request, and for contact lenses after the
35 contact lenses have been adequately adapted and the patient

1 released from initial follow-up care. A prescriber may give a
2 contact lens prescription orally to a person licensed under
3 chapter 148, 150, 150A, 154, or 155A. The prescription for
4 spectacle lenses shall have a maximum two-year expiration date
5 and the prescription for contact lenses shall have a maximum
6 18-month expiration date. Information required on the
7 prescription shall be established by rule.

8 A simple misdemeanor penalty applies for the first
9 violation of the bill's provisions. Subsequent violations
10 fall under section 147.86 which provides for a serious
11 misdemeanor penalty.

12 Section 154.9, which provides that optometrists provide
13 prescriptions for ground ophthalmic lenses, is repealed.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2309

AN ACT
RELATING TO THE PROVISION OF CONTACT LENSES AND SPECTACLE LENSES
AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 147.108 CONTACT LENS PRESCRIBING
AND DISPENSING.

1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written prescription, except when authorized orally under subsection 2, from a person licensed under chapter 148, 150, 150A, or 154.

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148, 150, 150A, or 154, the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148, 150, 150A, or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, 150, 150A, 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "ophthalmic lens" means one which has been fabricated to fill the requirements of a particular contact

lens prescription.

3. A person who fills a contact lens prescription shall maintain a file of a valid prescription for a period of two years.

4. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by section 147.86.

Sec. 2. NEW SECTION. 147.109 OPHTHALMIC SPECTACLE LENS
PRESCRIBING AND DISPENSING.

1. A person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written prescription from a person licensed under chapter 148, 150, 150A, or 154. For the purpose of this section, "ophthalmic spectacle lens" means one which has been fabricated to fill the requirements of a particular spectacle lens prescription.

2. Upon completion of an eye examination, a person licensed under chapter 148, 150, 150A, or 154 shall furnish the patient a copy of their ophthalmic spectacle lens prescription at no cost. The ophthalmic spectacle lens prescription shall contain an expiration date. The ophthalmic spectacle lens prescription shall contain the requirements of the ophthalmic spectacle lens and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription, at the option of the prescriber, may contain adapting and material guidelines and may also contain specific instructions for use by the patient.

3. Upon request of a patient, a person licensed under chapter 148, 150, 150A, or 154 shall provide the prescription of the patient, if the prescription has not expired, at no cost to another person licensed under chapter 148, 150, 150A, or 154. The person licensed under chapter 148, 150, 150A, or 154 shall accept the prescription and shall not require the patient to undergo an eye examination unless, due to

observation or patient history, the licensee has reason to require an examination.

4. A dispenser shall maintain a file of a valid prescription for a period of two years.

5. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by section 147.86.

Sec. 3. Section 154.9, Code 1993, is repealed.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2309, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 19, 1994

TERRY E. BRANSTAD
Governor