

Senate BILL NO. 331
INTRODUCED BY *Lennock Warden*

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2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW AN OPTICIAN TO
5 PERFORM MECHANICAL WORK ON AN OPHTHALMIC LENS ORDERED ON A
6 PRESCRIPTION SIGNED BY A REGISTERED OPTOMETRIST, REGARDLESS
7 OF WHO EMPLOYS THE OPTICIAN; AMENDING SECTION 66-1302,
8 R.C.M. 1947."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 66-1302, R.C.M. 1947, is amended to
12 read as follows:

13 "66-1302. Provisions regulating practice of optometry.

14 (1) It is unlawful for a person:

15 (a) To practice optometry in this state unless he has
16 first obtained a certificate of registration, and filed it
17 or a certified copy with the county clerk and recorder of
18 the county of his residence;

19 (b) To sell, barter, or offer to sell or barter a
20 certificate of registration issued by the department;

21 (c) To purchase or procure by barter a certificate of
22 registration with intent to use it as evidence of the
23 holder's qualification to practice optometry;

24 (d) To materially alter with fraudulent intent a
25 certificate of registration;

1 (e) To use or attempt to use a certificate of
2 registration which has been purchased, fraudulently issued,
3 counterfeited, or materially altered as a valid certificate
4 of registration;

5 (f) To practice optometry under a false or assumed
6 name;

7 (g) To willfully make a materially false statement in
8 an application for an examination by the department or for a
9 certificate of registration;

10 (h) To advertise by displaying a sign or by otherwise
11 holding himself out to be an optometrist without having at
12 the time a valid certificate of registration;

13 (i) To replace or duplicate ophthalmic lenses with or
14 without a prescription or to dispense ophthalmic lenses from
15 prescriptions, without having at the time a valid
16 certificate of registration as an optometrist; however, this
17 subsection does not prevent an optical mechanic from doing
18 the merely mechanical work on an ophthalmic lens which is
19 ordered on a prescription signed by a registered
20 optometrist, ~~and is dispensed only by the optometrist or a~~
21 ~~person employed by the optometrist and who does so in the~~
22 ~~office of and under the direct personal supervision of an~~
23 ~~optometrist;~~

24 (j) To take or make measurements for the purpose of
25 fitting or adapting ophthalmic lenses to the human eye;

1 without having at the time a valid certificate of
 2 registration. A person who takes or makes measurements or
 3 uses mechanical devices for this purpose or who in the sale
 4 of spectacles, eyeglasses, or lenses uses, in the testing of
 5 the eyes, lenses other than the lenses actually sold, is
 6 practicing optometry. However, this section does not apply
 7 to the prescriptions of qualified optometrists when sent to
 8 a recognized optical laboratory.

9 (k) To advertise at a price, or stated terms of a
 10 price, or as being free, the following: The examination or
 11 treatment of the eyes, furnishing of optometrical services,
 12 or furnishing a lens, lenses, contact lens, contact lenses,
 13 glasses, frames, or fitting thereof. However, this
 14 subdivision does not apply to advertising goggles,
 15 sunglasses, colored glasses, or occupational eye-protective
 16 devices, if they are not made with refractive values and are
 17 not advertised in connection with the practice of optometry
 18 or professional service.

19 (l) To adapt a lens to direct contiguous contact to
 20 the human eyeball without having at the time a valid
 21 certificate of registration as an optometrist.

22 (2) When the board has reasonable cause to believe
 23 that a person is violating this section, or a rule issued
 24 under this chapter, it may, in addition to other remedies
 25 provided in this chapter, bring an action for injunctive

1 relief in district court in the county where the violation
 2 occurs to enjoin the person from engaging in or continuing
 3 the violation. The department may employ legal counsel to
 4 prosecute these actions. In these actions, and on notice and
 5 hearing, an order or judgment may be entered awarding a
 6 temporary restraining order or final injunction as
 7 considered proper by the judge of the district court in the
 8 county where the violation occurred. This chapter does not
 9 apply to physicians and surgeons authorized to practice
 10 under the laws of this state nor to a person employed in the
 11 office of and acting under the direct personal supervision
 12 of a physician or surgeon, nor to a person excepted from
 13 this chapter by section 66-1316."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

1 SENATE BILL NO. 331
2 INTRODUCED BY LENSINK, WARDEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW AN OPTICIAN TO
5 PERFORM MECHANICAL WORK ON AN OPHTHALMIC LENS ORDERED ON A
6 PRESCRIPTION SIGNED BY A REGISTERED OPTOMETRIST, REGARDLESS
7 OF WHO EMPLOYS THE OPTICIAN; AMENDING SECTION ~~66-1302~~
8 ~~66-1316~~, R.C.M. 1947."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Refer to Introduced Bill

12 (Strike everything after the enacting clause and insert:)

13 Section 1. Section ~~66-1316~~, R.C.M. 1947, is amended to
14 read as follows:

15 "66-1316. Act not to apply to physicians, and
16 surgeons, ~~opticians, officers of the armed forces, and~~
17 ~~certain other persons~~. Nothing in this act shall be
18 construed to apply to physicians and surgeons authorized to
19 practice under the laws of the state of Montana nor to an
20 optician performing the required mechanical work under an
21 order or prescription signed by a duly licensed physician,
22 or surgeon, ~~or optometrist~~, nor to commissioned officers of
23 the armed forces of the United States performing functions
24 of this act in the line of their regular duty, nor to
25 persons who sell spectacles or eyeglasses without attempting

1 to traffic upon assumed skill in adapting them to the eye."

-End-

1 SENATE BILL NO. 331

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12 (Strike everything after the enacting clause and insert:)

13 Section 1. Section ~~66-1316~~, R.C.M. 1947, is amended to
14 read as follows:

15 "66-1316. Act not to apply to physicians, and
16 surgeons, ~~opticians, officers of the armed forces, and~~
17 ~~certain other persons~~. Nothing in this act shall be
18 construed to apply to physicians and surgeons authorized to
19 practice under the laws of the state of Montana nor to an
20 optician performing the required mechanical work under an
21 order or prescription signed by a duly licensed physician,
22 or surgeon, ~~or optometrist~~, nor to commissioned officers of
23 the armed forces of the United States performing functions
24 of this act in the line of their regular duty, nor to
25 persons who sell spectacles or eyeglasses without attempting

THIRD READING

March 17, 1977

HOUSE OF REPRESENTATIVES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
AMENDMENTS TO SENATE BILL 331:

1. Amend title, line 7

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "~~66-1302~~"

Insert: "66-1302 AND"

2. Amend page 1

Following: line 12

Insert: "Section 1. Section 66-1302, R.C.M. 1947, is amended
to read as follows:

"66-1302. Provisions regulating practice of optometry.

(1) It is unlawful for a person:

(a) To practice optometry in this state unless he has
first obtained a certificate of registration, and filed it
or a certified copy with the county clerk and recorder of
the county of his residence;

- Continued on page 2 -

HOUSE OF REPRESENTATIVES PUBLIC HEALTH, WELFARE AND SAFETY
COMMITTEE AMENDMENTS TO SENATE BILL 331:

(b) To sell, barter, or offer to sell or barter a certificate of registration issued by the department;

(c) To purchase or procure by barter a certificate of registration with intent to use it as evidence of the holder's qualification to practice optometry;

(d) To materially alter, with fraudulent intent a certificate of registration;

(e) To use or attempt to use a certificate of registration which has been purchased, fraudulently issued, counterfeited, or materially altered as a valid certificate of registration;

(f) To practice optometry under a false or assumed name;

(g) To willfully make a materially false statement in an application for an examination by the department or for a certificate of registration;

(h) To advertise by displaying a sign or by otherwise holding himself out to be an optometrist without having at the time a valid certificate of registration;

(i) To replace or duplicate ophthalmic lenses with or without a prescription or to dispense ophthalmic lenses from prescriptions, without having at the time a valid certificate of registration as an optometrist; however, this subsection does not prevent an optical mechanic from doing the merely mechanical work on an ophthalmic lens which is ordered on a prescription signed by a registered optometrist ~~and-is-dispensed-only-by-the-optometrist-or-a-person-employed-by-the-optometrist-and-who-does-so-in-the-office-of-and-under-the-direct-personal-supervision-of-an-optometrist.~~

(j) To take or make measurements for the purpose of fitting or adapting ophthalmic lenses to the human eye, without having at the time a valid certificate of registration. A person who takes or makes measurements or uses mechanical devices for this purpose or who in the sale of spectacles, eyeglasses, or lenses uses, in the testing of the eyes, lenses other than the lenses actually sold, is practicing optometry. However, this section does not apply to the prescriptions of qualified optometrists when sent to a recognized optical laboratory.

(k) To advertise at a price, or stated terms of a price, or as being free, the following: The examination or treatment of the eyes, furnishing of optometrical services, or furnishing

March 17, 1977

HOUSE OF REPRESENTATIVES PUBLIC HEALTH, WELFARE AND SAFETY
COMMITTEE AMENDMENTS TO SENATE BILL 331:

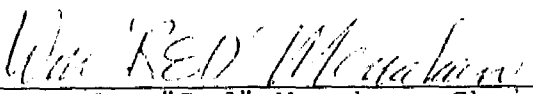
a lens, lenses, contact lens, contact lenses, glasses, frames, or fitting thereof. However, this subdivision does not apply to advertising goggles, sunglasses, colored glasses, or occupational eye-protective devices, if they are not made with refractive values and are not advertised in connection with the practice of optometry or professional service.

(1) To adapt a lens to direct contiguous contact to the human eyeball without having at the time a valid certificate of registration as an optometrist.

(2) When the board has reasonable cause to believe that a person is violating this section, or a rule issued under this chapter, it may, in addition to other remedies provided in this chapter, bring an action for injunctive relief in district court in the county where the violation occurs to enjoin the person from engaging in or continuing the violation. The department may employ legal counsel to prosecute these actions. In these actions, and on notice and hearing, an order or judgment may be entered awarding a temporary restraining order or final injunction as considered proper by the judge of the district court in the county where the violation occurred. This chapter does not apply to physicians and surgeons authorized to practice under the laws of this state nor to a person employed in the office of and acting under the direct personal supervision of a physician or surgeon, nor to a person excepted from this chapter by section 66-1316."

Renumber: subsequent section.

AS AMENDED BE CONCURRED IN



Rep. Wm. "Red" Menahan, Chairman

1 SENATE BILL NO. 331

2 INTRODUCED BY LENSINK, WARDEN

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6 PRESCRIPTION SIGNED BY A REGISTERED OPTOMETRIST, REGARDLESS
7 OF WHO EMPLOYS THE OPTICIAN; AMENDING ~~SECTION~~ SECTIONS
8 ~~66-1302~~ 66-1302 AND 66-1316, R.C.M. 1947."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Refer to Introduced Bill

12 (Strike everything after the enacting clause and insert:)

13 SECTION 1. SECTION 66-1302, R.C.M. 1947, IS AMENDED TO

14 READ AS FOLLOWS:

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16 (1) It is unlawful for a person:

17 (a) To practice optometry in this state unless he has
18 first obtained a certificate of registration, and filed it
19 or a certified copy with the county clerk and recorder of
20 the county of his residence;

21 (b) To sell, barter, or offer to sell or barter a
22 certificate of registration issued by the department;

23 (c) To purchase or procure by barter a certificate of
24 registration with intent to use it as evidence of the
25 holder's qualification to practice optometry;

1 (d) To materially alter with fraudulent intent a
2 certificate of registration;

3 (e) To use or attempt to use a certificate of
4 registration which has been purchased, fraudulently issued,
5 counterfeited, or materially altered as a valid certificate
6 of registration;

7 (f) To practice optometry under a false or assumed
8 name;

9 (g) To willfully make a materially false statement in
10 an application for an examination by the department or for a
11 certificate of registration;

12 (h) To advertise by displaying a sign or by otherwise
13 holding himself out to be an optometrist without having at
14 the time a valid certificate of registration;

15 (i) To replace or duplicate ophthalmic lenses with or
16 without a prescription or to dispense ophthalmic lenses from
17 prescriptions, without having at the time a valid
18 certificate of registration as an optometrist; however, this
19 subsection does not prevent an optical mechanic from doing
20 the merely mechanical work on an ophthalmic lens which is
21 ordered on a prescription signed by a registered optometrist
22 ~~and--is--dispensed--only--by--the--optometrist--or--a--person~~
23 ~~employed--by--the--optometrist--and--who--does--so--in--the--office--of~~
24 ~~and--under--the--direct--personal--supervision--of--an--optometrist;~~

25 (j) To take or make measurements for the purpose of

REFERENCE BILL

1 fitting or adapting ophthalmic lenses to the human eye,
 2 without having at the time a valid certificate of
 3 registration. A person who takes or makes measurements or
 4 uses mechanical devices for this purpose or who in the sale
 5 of spectacles, eyeglasses, or lenses uses, in the testing of
 6 the eyes, lenses other than the lenses actually sold, is
 7 practicing optometry. However, this section does not apply
 8 to the prescriptions of qualified optometrists when sent to
 9 a recognized optical laboratory.

10 (k) To advertise at a price, or stated terms of a
 11 price, or as being free, the following: The examination or
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 16 sunglasses, colored glasses, or occupational eye-protective
 17 devices, if they are not made with refractive values and are
 18 not advertised in connection with the practice of optometry
 19 or professional service.

20 (1) To adapt a lens to direct contiguous contact to
 21 the human eyeball without having at the time a valid
 22 certificate of registration as an optometrist.

23 (2) When the board has reasonable cause to believe
 24 that a person is violating this section, or a rule issued
 25 under this chapter, it may, in addition to other remedies

1 provided in this chapter, bring an action for injunctive
 2 relief in district court in the county where the violation
 3 occurs to enjoin the person from engaging in or continuing
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 5 prosecute these actions. In these actions, and on notice and
 6 hearing, an order or judgment may be entered awarding a
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 8 considered proper by the judge of the district court in the
 9 county where the violation occurred. This chapter does not
 10 apply to physicians and surgeons authorized to practice
 11 under the laws of this state nor to a person employed in the
 12 office of and acting under the direct personal supervision
 13 of a physician or surgeon, nor to a person excepted from
 14 this chapter by section 66-1316."

15 Section 2. Section 66-1316, R.C.M. 1947, is amended to
 16 read as follows:

17 "66-1316. Act not to apply to physicians, ~~and~~
 18 ~~surgeons, opticians, officers of the armed forces, and~~
 19 ~~certain other persons.~~ Nothing in this act shall be
 20 construed to apply to physicians and surgeons authorized to
 21 practice under the laws of the state of Montana nor to an
 22 optician performing the required mechanical work under an
 23 order or prescription signed by a duly licensed physician,
 24 or surgeon, or optometrist, nor to commissioned officers of
 25 the armed forces of the United States performing functions

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1 of this act in the line of their regular duty, nor to
2 persons who sell spectacles or eyeglasses without attempting
3 to traffic upon assumed skill in adapting them to the eye.*

-End-

SENATE BILL NO. 331

INTRODUCED BY LENSINK, WARDEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW AN OPTICIAN TO PERFORM MECHANICAL WORK ON AN OPHTHALMIC LENS ORDERED ON A PRESCRIPTION SIGNED BY A REGISTERED OPTOMETRIST, REGARDLESS OF WHO EMPLOYS THE OPTICIAN; AMENDING SECTION SECTIONS SECTION 66-1302 66-1302 AND 66-1316, R.C.M. 1947."

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Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

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(b) to sell, barter or offer to sell or barter a certificate of registration issued by the department;
(c) to purchase or procure by barter a certificate of registration with intent to use it as evidence of the holder's qualification to practice optometry;

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(j) to take or make measurements for the purpose of

REFERENCE BILL: Includes Free Joint Conference Committee Report Dated March 30, '77

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2 persons who sell spectacles or eyeglasses without attempting
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-End-