

SENATE BILL 494

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 19, 1979	Committee recommend bill, as amended.
February 20, 1979	Printed and placed on memebers' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, not passed.

Senate BILL NO. 494
Swan

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH WHEN A PRESCRIPTION MUST BE GIVEN TO AN INDIVIDUAL WHO HAS AN EYE EXAMINATION; AND PROVIDING PENALTIES."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Buyer" means an individual who has an eye examination.

(2) "Eye examination" means the process of determining the refractive condition of an individual's eyes or the presence of any visual anomaly by the use of objective or subjective tests.

(3) "Ophthalmic goods" consist of eyeglasses or any component of eyeglasses but does not include contact lenses.

(4) "Ophthalmic services" means the measuring, fitting, and adjusting of ophthalmic goods to the face subsequent to an eye examination.

(5) "Prescription" means the written specifications for ophthalmic lenses which are derived from an eye examination. The prescription shall contain all of the information necessary to permit the buyer to obtain the

necessary ophthalmic goods from the seller of his choice. The term prescription includes only prescriptions for spectacle lenses and does not include prescriptions for contact lenses.

(6) "Refractionist" means any physician, surgeon, or optometrist who is authorized to perform eye examinations under the laws of the state.

(7) "Seller" means an individual, partnership, or professional service corporation or any employee or agent thereof selling or providing ophthalmic goods and services directly to the public.

Section 2. Prescription release requirement for eye examinations. In connection with the performance of eye examinations, a refractionist:

(1) shall give to the buyer a copy of the buyer's prescription immediately after the eye examination unless there is no change required in the buyer's prescription or the refractionist determines that a visual anomaly requiring the prescription of ophthalmic lenses is not necessary. However, when the refractionist requires immediate payment for an eye examination from all buyers, regardless of whether ophthalmic goods may be necessary, he may refuse to give the buyer a copy of the buyer's prescription until the buyer has paid for the eye examination.

(2) may not condition the availability of an eye

1 examination on a requirement that the individual agree to
2 purchase any ophthalmic goods or services from the
3 refractionist;

4 (3) may not charge the buyer any fee in addition to
5 the examination fee as a condition to releasing the
6 prescription to the buyer; and

7 (4) may not place on the prescription or require the
8 buyer to sign or deliver to the buyer a form or notice
9 waiving or disclaiming the liability or responsibility of
10 the refractionist for the accuracy of the eye examination or
11 the accuracy of the ophthalmic goods and services dispensed
12 by another seller. This subsection does not impose liability
13 on a refractionist for the ophthalmic goods and services
14 dispensed by another seller pursuant to that refractionist's
15 prescription.

16 Section 3. Penalty for violation. A refractionist,
17 whether as principal, agent, officer, or director, who
18 violates any provision of [this act] is guilty of a
19 misdemeanor and on conviction shall be fined not less than
20 \$200 or more than \$500.

-End-

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2 INTRODUCED BY LENSINK

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