

SENATE BILL NO. 185

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE BY REQUEST

Introduced: 5/19/99

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing certain opticians to modify a near addition power to an
2 existing eyeglass prescription."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.71.120 is amended to read:

5 **Sec. 08.71.120. Fees.** The department shall set fees under AS 08.01.065 for
6 examination, initial license, initial endorsement under AS 08.71.165, and license
7 renewal.

8 * **Sec. 2.** AS 08.71 is amended by adding a new section to article 2 to read:

9 **Sec. 08.71.165. Endorsement authorizing prescription modification.** (a)
10 The board may issue a license endorsement authorizing a licensed dispensing optician
11 to modify or authorize modification of a near addition power to an existing eyeglass
12 prescription for the visual comfort, needs, and convenience of the intended wearer,
13 except that a person with an endorsement under this subsection may not modify or
14 authorize modification of a prescription for a person who

1 (1) has not had a complete eye examination by a licensed optometrist
2 or physician in the three years preceding the modification; or

3 (2) is under 21 years of age.

4 (b) An endorsement under this section may be issued only to a licensee who
5 submits proof to the board of having

6 (1) attended a 100-hour course provided by the Opticians Association
7 of America entitled "100 Hour Refractometry," or its equivalent as determined by the
8 board, and having passed the final exam for the course with a score of at least 80
9 percent;

10 (2) national certification from the American Board of Opticianry (ABO)
11 as a certified Optician Refractionist; or

12 (3) national certification from the National Contact Lens Examiners
13 (NACLE) as a certified Optician Refractionist.

14 (c) Notwithstanding AS 08.72 or regulations adopted under AS 08.72, an
15 optician with an endorsement under this section may use testing equipment necessary
16 to achieve the desired result of near addition power modification without being
17 required to be licensed under AS 08.72.

18 * **Sec. 3.** AS 08.71.170 is amended by adding a new subsection to read:

19 (b) If the board revokes or suspends a license under (a) of this section, an
20 endorsement under AS 08.71.165, if any, for the same licensee is also revoked or
21 suspended.

22 * **Sec. 4.** AS 08.71.230 is amended to read:

23 **Sec. 08.71.230. Exemptions from and limitations on the application of this**
24 **chapter. Except as provided in AS 08.71.165, this [THIS] chapter may not be**
25 **construed to**

26 (1) limit or restrict a licensed physician or optometrist from the
27 practices enumerated in this chapter, and each licensed physician and optometrist has
28 all the rights and privileges which may accrue under this chapter to dispensing
29 opticians licensed under it;

30 (2) prohibit an unlicensed person from performing mechanical work
31 upon inert matter in an optical office, laboratory, or shop;

1 (3) prohibit an unlicensed person from engaging in the sale of
2 eyeglasses, spectacles, magnifying glasses, goggles, sunglasses, telescopes, binoculars,
3 or any like articles **that** [WHICH] are completely preassembled and sold only as
4 merchandise;

5 (4) authorize or permit a licensee under this chapter to hold out as
6 being able to, or to offer to, or to attempt by any means, to refract or exercise eyes,
7 diagnose, treat, correct, relieve, operate, or prescribe for any human ailment,
8 deficiency, deformity, disease, or injury.