

**SENATE BILL NO. 149**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR THERRIAULT

Introduced: 3/30/07

Referred: Labor and Commerce, Health, Education and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to redistribution of used eyeglasses."**

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

3 \* **Section 1.** AS 08.71.055 is amended to read:

4 **Sec. 08.71.055. Powers and duties.** The board shall have the following  
5 powers and duties:

6 (1) to issue licenses to applicants;

7 (2) to renew licenses;

8 (3) to hold hearings and order disciplinary sanctions against a person  
9 who violates this chapter or the regulations of the board;

10 (4) to supply forms for applications, licenses, and other needed  
11 documents;

12 (5) to keep a record of all proceedings open to the public, including the  
13 name of each license applicant and each licensee;

14 **(6) to approve nonprofit organizations for the distribution and**  
15 **fitting of used eyeglasses;**

1                    (7) [(6)] to enforce the provisions of this chapter and adopt or amend  
2 regulations necessary to make these provisions effective.

3 \* **Sec. 2.** AS 08.71.230 is amended to read:

4                    **Sec. 08.71.230. Exemptions from and limitations on the application of this**  
5 **chapter.** This chapter may not be construed to

6                    (1) limit or restrict a licensed physician or optometrist from the  
7 practices enumerated in this chapter, and each licensed physician and optometrist has  
8 all the rights and privileges **that** [WHICH] may accrue under this chapter to  
9 dispensing opticians licensed under it;

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

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

16                    (4) authorize or permit a licensee under this chapter to hold out as  
17 being able to, or to offer to, or to attempt by any means, to refract or exercise eyes,  
18 diagnose, treat, correct, relieve, operate or prescribe for any human ailment,  
19 deficiency, deformity, disease or injury;

20                    **(5) limit the authority of a nonprofit organization approved by the**  
21 **board to distribute and fit used eyeglasses if the eyeglasses are distributed and**  
22 **fitted free of charge and the fitting of the eyeglasses is done under a written**  
23 **prescription from a licensed physician or optometrist.**

24 \* **Sec. 3.** AS 09.65 is amended by adding a new section to read:

25                    **Sec. 09.65.305. Immunity for distributing free recycled used eyeglasses.** A  
26 nonprofit organization approved by the board of dispensing opticians is not liable for  
27 distributing recycled used eyeglasses if

28                    (1) the eyeglasses are distributed and fitted free of charge and the  
29 fitting is done

30                    (A) under a written prescription from a licensed physician or  
31 optometrist; and

1 (B) by a person licensed to fit eyeglasses in this state; and  
2 (2) the organization obtains informed consent from the person  
3 receiving the eyeglasses and provides the person receiving the eyeglasses advance  
4 written notice of the immunity provided under this section.