

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

CS FOR SENATE BILL NO. 149(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/27/08

Referred: Health, Education and Social Services

Sponsor(s): SENATORS THERRIAULT, Davis, Stevens, Green, Ellis, Elton, Wilken, Bunde, Dyson

REPRESENTATIVES Kerttula, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to redistribution of used eyeglasses and to the Board of Dispensing
2 Opticians."

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

4 * **Section 1.** AS 08.71.055 is amended to read:

5 **Sec. 08.71.055. Powers and duties.** The department [BOARD] shall have the
6 following powers and duties:

- 7 (1) to issue licenses to applicants;
- 8 (2) to renew licenses;
- 9 (3) to hold hearings and order disciplinary sanctions against a person
10 who violates this chapter or the regulations of the department [BOARD];
- 11 (4) to supply forms for applications, licenses, and other needed
12 documents;
- 13 (5) to keep a record of all proceedings open to the public, including the
14 name of each license applicant and each licensee;

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

3 **(7)** [(6)] to enforce the provisions of this chapter and adopt or amend
 4 regulations necessary to make these provisions effective.

5 * **Sec. 2.** AS 08.71.230 is amended to read:

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

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

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

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

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

22 **(5) limit the authority of a nonprofit organization approved by the**
 23 **department to distribute and fit used eyeglasses if the eyeglasses are distributed**
 24 **and fitted free of charge and the fitting of the eyeglasses conforms, to the extent**
 25 **possible, with a written prescription from a licensed physician or optometrist.**

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

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

30 (1) the eyeglasses are distributed and fitted free of charge and the
 31 fitting conforms, to the extent possible, with a written prescription from a licensed

1 physician or optometrist; 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.

5 * **Sec. 4.** AS 08.01.010(16), 08.01.050(d)(3); AS 08.03.010(c)(9); AS 08.71.010, 08.71.020,
6 08.71.040, 08.71.240(1); and AS 44.62.330(a)(22) are repealed.

7 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 REVISOR'S INSTRUCTION. In the following statute sections, the revisor of statutes
10 shall substitute the word "department" for "board": AS 08.71.080, 08.71.090, 08.71.110,
11 08.71.130, 08.71.145, 08.71.160, and 08.71.170.