

Introduced: 4/5/72  
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 SENATE BILL NO. 401

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of dispensing  
7 opticians."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 73. DISPENSING OPTICIANS.

11 ARTICLE 1. BOARD OF DISPENSING OPTICIANS.

12 Sec. 08.73.010. CREATION OF BOARD AND MEMBERSHIP. There is  
13 created the Board of Dispensing Opticians, consisting of three members  
14 appointed by the governor.

15 Sec. 08.73.020. TERM OF OFFICE. Board members serve a term of  
16 three years. The first members shall be initially appointed for one-,  
17 two- and three-year terms.

18 Sec. 08.73.030. QUALIFICATIONS. A board member shall be a  
19 licensed, practicing dispensing optician residing in the state.

20 Sec. 08.73.040. POWER OF BOARD TO PROMULGATE REGULATIONS. The  
21 board may promulgate regulations

- 22 (1) necessary for the proper performance of its duties;  
23 (2) necessary to govern the practice of dispensing opticians;  
24 (3) specifying the subject matter to be covered in an exami-  
25 nation for dispensing opticians.

26 ARTICLE 2. LICENSING.

27 Sec. 08.73.050. LICENSE REQUIRED. No person may engage in the  
28 practice of a dispensing optician unless he is licensed under this  
29 chapter.

1           Sec. 08.73.060. EXAMINATION. To be licensed as a dispensing  
2 optician a person shall pass an examination given by the board. The  
3 board shall offer an examination at least once a year. Examinations  
4 shall be so administered that, when possible, one who grades a written  
5 examination does not know whose paper he is grading.

6           Sec. 08.73.070. QUALIFICATIONS FOR EXAMINATION. A person is  
7 entitled to take the examination who

- (1) is at least 21 years of age;
- (2) has been graduated from a secondary school approved by  
10 the board;
- (3) is of good moral character;
- (4) is a United States citizen;
- (5) has either
  - (A) completed at least three years training as an  
15 apprentice; or
  - (B) successfully completed a course in opticianry  
17 at a college or university approved by the board; or
  - (C) been engaged for at least five years as a practicing  
18 licensed optician in good standing in another state or the District  
19 of Columbia;
- (6) has paid the required examination fee.

22           Sec. 08.73.080. FEES. The following fees shall be imposed under  
23 this chapter where applicable:

- (1) examination fee ..... \$50
- (2) reciprocity fee..... 50
- (3) existing practitioner's fee ..... 50
- (4) initial license fee ..... 25
- (5) biennial renewal fee ..... 25

29           Sec. 08.73.090. RENEWAL OF LICENSE. (a) A licensed dispensing

1       optician shall renew his license biennially with the Department of  
2       Commerce on or before the date set by the department under AS 08.01.-  
3       100(a). If the license is not renewed on or before that date it  
4       lapses.

5               (b) A penalty of \$10 shall be charged, in addition to all delin-  
6       quent fees, for reinstatement of a license which remains lapsed for  
7       more than 60 days. If the license remains lapsed for more than three  
8       years, the board may require the applicant to take and pass the  
9       examination given under sec. 60 of this chapter.

10              Sec. 08.73.100. SUSPENSION OR REVOCATION OF LICENSE. The board  
11       may refuse to issue, or may suspend or revoke, for a period of time  
12       to be determined by the board, a license to engage in the practice of  
13       dispensing optician of a person who

- 14                       (1) has been convicted of a crime involving moral turpitude;  
15                       (2) is habitually drunk or addicted to the use of narcotic  
16       drugs;  
17                       (3) issues, circulates, publishes or distributes advertising  
18       concerning his business which is knowingly false and fraudulent;  
19                       (4) has obtained or attempted to obtain a license by fraud  
20       or material misrepresentation; or  
21                       (5) is, in the opinion of the board, guilty of unprofessional  
22       conduct, including but not limited to the practice of fee-splitting  
23       and employment of persons for the purpose of solicitation.

24                                              ARTICLE 3. MISCELLANEOUS PROVISIONS.

25              Sec. 08.73.110. DISPENSING OPTICIAN APPRENTICE. (a) A person  
26       may be employed by a licensed dispensing optician as an apprentice.  
27       No apprentice may be employed under this section for longer than four  
28       years unless the board determines that an apprentice is prevented, by  
29       circumstances beyond his control, from obtaining a license as a

1 dispensing optician within that time.

2 (b) No more than two apprentices may be employed by a licensed  
3 dispensing optician at the same time.

4 Sec. 08.73.120. EXISTING PRACTITIONERS. Within six months  
5 after the effective date of this Act, a person who has been engaged in  
6 the practice of dispensing optician for a period of not less than six  
7 months immediately preceding the effective date of this Act, upon the  
8 payment of a fee of \$50 and a certification to the board, under oath,  
9 that he is of good moral character, shall be issued a license without  
10 examination.

11 Sec. 08.73.130. APPLICABILITY OF CHAPTER. Nothing in this chapter  
12 shall be construed to

13 (1) prohibit an unlicensed person from selling spectacles,  
14 magnifying glasses, goggles, sunglasses, colored glasses or occupational  
15 protective eye devices not having a refractive value, or the sale as  
16 merchandise of complete ready-made eyeglasses;

17 (2) permit a person licensed under this chapter to diagnose,  
18 treat or prescribe for any human eye ailment, deficiency, deformity,  
19 injury or disease;

20 (3) apply to ophthalmic dispensing personally by a licensed  
21 physician, surgeon, or optometrist unless he is exclusively engaged  
22 in the business of filling prescriptions.

23 Sec. 08.73.140. DEFINITIONS. In this chapter

24 (1) "apprentice" means a person who is employed by, and under  
25 the direct supervision of, a licensed dispensing optician in order to  
26 assist in the practice of dispensing optician;

27 (2) "board" means the Board of Dispensing Opticians;

28 (3) "dispensing optician" means a person who prepares and  
29 dispenses lenses, spectacles, eyeglasses, frames or appurtenances to

1           them, including the taking of facial measurements, fitting and adjust-  
2           ment of lenses or frames, duplication of lenses, and the measurement,  
3           fitting or adaptation of contact lenses to the human eye under the  
4           direction and according to the prescription of a licensed physician,  
5           surgeon, or optometrist.

6           \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

7                         (19) Board of Dispensing Opticians.

8           \* Sec. 3. AS 08.72.110 is amended to read:

9                         Sec. 08.72.110. LICENSE REQUIRED. No person not licensed as an  
10           optometrist may fit, sell, or dispose of or take, receive or solicit  
11           an order for fitting, sale or disposition of spectacles, eyeglasses or  
12           lenses for the correction or relief of an optical or visual defect of  
13           the human eye or sell spectacles, eyeglasses or lenses from house to  
14           house, or in the streets or highways. This chapter does not apply to  
15           the sale of toy glasses, goggles consisting of plano-white or plano-  
16           colored lenses or ordinary colored glasses, or complete ready-made  
17           spectacles and eyeglasses sold only as merchandise, or the sale or  
18           repair of eyeglass frames, or repair or replacement of lenses without  
19           pretense of adapting them to the eyes, or dispensing opticians and  
20           their apprentices under AS 08.73.

21           \* Sec. 4. AS 44.62.330 is amended by adding a new paragraph to read:

22                         (34) Board of Dispensing Opticians.  
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