

**SB**

**149**

# Alaska State Legislature

SENATOR  
**GENE THERRIAULT**

Mailing Address:  
1292 Sadler Way, Suite 308  
Fairbanks, Alaska 99701  
(907) 488-0857  
Fax: (907) 488-4271



**Senate**

While in session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3864  
SENATE DISTRICT F

## Memorandum

**To: Senator Bettye Davis / Chair of Senate HESS**

**From: Senator Gene Therriault** *Gene Therriault*

**Date: March 3, 2008**

**Re: Senate Bill 149**

.....

I have introduced Senate Bill 149 to expand the incredible work our Alaska Lion's Clubs members do to aid those who suffer from blindness or failing eye sight. Senate Bill 149 simply grants the authority for the Lions to recycle eyeglasses in state as well as abroad.

Your assistance in calendaring and helping to move this worthy piece of legislation on behalf of those who can not afford the eyewear they need would be most appreciated.

Thank you.

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## **Sponsor Statement SB 149**

### ***Making Better Vision Affordable***

Senate Bill 149 will allow the Lion's Clubs of Alaska (or other non-profits that might be qualified) to redistribute used eyeglasses within the State as well as abroad.

With this change in statute under rules and guidelines, an Alaskan with a written prescription from a licensed physician or optometrist may be fitted with used eyeglasses. The savings for those who otherwise could not afford eyewear can be substantial. In many cases these savings will make the difference between severely degraded and optimal vision.

Please join with me in expanding the outstanding efforts of the Lion's Clubs throughout Alaska by making it possible for our residents to receive their redistributed eyeglasses.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 149(L&C)  
 (S) Publish Date: 2/27/08

Identifier (file name): SB149-CED-OL-02-18-08 Dept. Affected: DCCED  
 Title: Redistribution of Used Eyeglasses RDU: Corp. Bus & Prof Licensing (117)  
 Component: Corp. Bus & Prof Licensing  
 Sponsor: Theriault  
 Requester: Senate Labor and Commerce Component Number: 2380

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This legislation amends AS 08.71, Board of Dispensing Opticians, providing the Board authority to approve nonprofit organizations for the distribution and fitting of used eyeglasses.

It does not impact the operations of the division.

Prepared by: Chris Wyatt, Administrative Officer  
 Division: Corporations, Business, and Professional Licensing  
 Approved by: Emil R. Notti, Commissioner  
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572  
 Date/Time 2/18/08 12:15 PM  
 Date 2/18/2008

# SENATE COMMITTEE REPORT

DATE: 2/27/08

FURTHER:

DATE TURNED  
IN TO OFFICE: 3/11/08

Health, Education and Social Services Committee considered

SENATE BILL NO. 149

## SB 149 REDISTRIBUTION OF USED EYEGLASSES

"An Act relating to redistribution of used eyeglasses."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ ( )
- adopt previous  SCS or  CS SB 149 (L&C)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

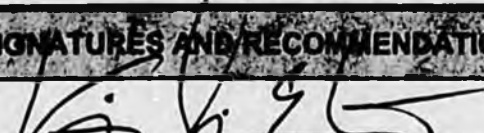

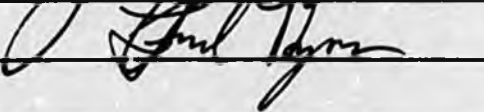
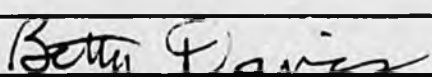
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
Corp. Bus & Prof. Licensing (DCED)	2/18/08			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC.	AMEND
	Elton	✓			
	Thomas	✓			
	Dussou	✓			
CHAIR: 	DAVIS	✓			

25-LS0702\K  
Bullard  
3/7/08

**CS FOR SENATE BILL NO. 107( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR DAVIS BY REQUEST**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to naturopaths and to the practice of naturopathy; establishing an**  
2 **Alaska Naturopathic Council; amending the duties of the State Medical Board and the**  
3 **Board of Pharmacy relating to naturopathic practice; and providing for an effective**  
4 **date."**

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

6 **\* Section 1. AS 08.45.030 is amended to read:**

7 **Sec. 08.45.030. Issuance of license. The department shall issue a license to**  
8 **practice naturopathy to an applicant who provides proof satisfactory to the department**  
9 **that the applicant has received a degree from an accredited four-year college or**  
10 **university, has paid the applicable fees, and**

11 **(1) on or before December 31, 1987, has graduated from a school of**  
12 **naturopathy that required four years of attendance at the school and after graduation**  
13 **has received a license in another state after passing an examination for licensure in**  
14 **that state and is licensed by a state at the time of application; or**

1 (2) after December 31, 1987, has

2 (A) graduated from a school of naturopathy that required four  
3 years of attendance at the school and at the time of graduation the school was  
4 accredited or a candidate for accreditation by the Council on Naturopathic  
5 Medical Education or a successor organization recognized by the United States  
6 Department of Education; and

7 (B) passed the Naturopathic Physicians Licensing Examination.

8 \* Sec. 2. AS 08.45 is amended by adding a new section to read:

9 **Sec. 08.45.045. Scope of practice as a naturopath.** (a) A naturopath may

10 (1) use physical examinations consistent with naturopathic medical  
11 education and training for diagnostic purposes; and

12 (2) perform and administer therapies consistent with naturopathic  
13 medical education and training.

14 (b) A naturopath who has practiced naturopathy for at least five years may

15 (1) order or conduct medical imaging and laboratory examinations  
16 consistent with naturopathic medical education and training;

17 (2) under a prescription endorsement issued under AS 08.45.056,  
18 administer and prescribe prescription drugs and medical devices as approved for use  
19 by naturopaths by the Alaska Naturopathic Council; and

20 (3) subject to (c) of this section, perform minor surgery.

21 (c) Minor surgery may be performed by a naturopath licensed under this  
22 chapter only if the naturopath has submitted proof satisfactory to the department that  
23 the naturopath has completed at least 1,200 hours of training in minor surgery under  
24 the supervision of a licensed physician, physician's assistant, or nurse practitioner.

25 \* Sec. 3. AS 08.45.050 is amended to read:

26 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who  
27 practices naturopathy may not

28 (1) except as authorized under AS 08.45.056, give, prescribe, or  
29 recommend in the practice

30 (A) a prescription drug;

31 (B) a controlled substance;

1 (C) a poison;

2 (2) engage in surgery, except minor surgery as authorized under  
3 AS 08.45.045(b) and (c):

4 (3) use the word "physician" in the person's title;

5 (4) use general or spinal anesthetics; or

6 (5) administer ionizing radioactive substances for therapeutic  
7 purposes.

8 \* Sec. 4. AS 08.45 is amended by adding new sections to read:

9 **Sec. 08.45.052. Alaska Naturopathic Council.** (a) The Alaska Naturopathic  
10 Council is established in the department. The council consists of seven members  
11 appointed by the governor. Three members shall be naturopaths licensed under  
12 AS 08.45.030 who have been engaged in the practice of naturopathic medicine in the  
13 state for at least five years immediately preceding appointment, with at least one  
14 naturopathic member that lives outside the third judicial district; one member shall be  
15 a pharmacist, appointed under (e) of this section; one member shall be a physician  
16 appointed under (e) of this section; and two members shall be public members with no  
17 direct financial interest in a naturopathic practice or the health care industry.

18 (b) Members of the Alaska Naturopathic Council shall serve staggered terms  
19 of three years unless removed for cause.

20 (c) Four members of the council constitute a quorum for the transaction of all  
21 business properly before the council.

22 (d) When appointing naturopaths under (a) of this section, the governor may  
23 consider licensed naturopaths who have been nominated by the Alaska Association of  
24 Naturopathic Physicians.

25 (e) When appointing pharmacists and physicians under (a) of this section, the  
26 governor may appoint a pharmacist from the list of names submitted by the Board of  
27 Pharmacy under AS 08.80.030(b) and a physician from the list of names submitted by  
28 the State Medical Board under AS 08.64.101.

29 (f) In the event of the death, resignation, or removal of a member, the vacancy  
30 shall be filled for the unexpired portion of the term in the same manner as the original  
31 appointment.

1                   **Sec. 08.45.054. Duties of the council.** The Alaska Naturopathic Council shall

2                   (1) establish a list of prescription drugs and medical devices that are  
3 consistent with naturopathic education and practice that the department may approve  
4 for use by naturopaths authorized under AS 08.45.056;

5                   (2) review the list of prescription drugs and medical devices approved  
6 for use by naturopaths authorized under AS 08.45.056 annually and on request by the  
7 department;

8                   (3) meet at the request of the department to review allegations of  
9 misconduct involving naturopaths licensed under this chapter or persons claiming to  
10 be naturopaths;

11                   (4) advise the department on the approval of naturopathic medical  
12 programs; and

13                   (5) advise the department on the adoption of regulations under  
14 AS 08.45.056.

15                   **Sec. 08.45.056. Prescription endorsement.** (a) The department shall issue a  
16 prescription endorsement to a naturopath licensed under this chapter, who has  
17 practiced naturopathy for five years, who is qualified under AS 08.45.045(b), and who  
18 submits proof satisfactory to the department that the naturopath has

19                   (1) successfully completed at least 60 hours of education from a  
20 program approved by the Alaska Naturopathic Council;

21                   (2) met other requirements establishing proof of competency and  
22 professional qualifications that the department, in consultation with the Alaska  
23 Naturopathic Council, considers necessary to ensure the continued protection of the  
24 public; and

25                   (3) obtained the appropriate registration issued by the Federal Drug  
26 Enforcement Administration.

27                   (b) An endorsement issued under (a) of this section authorizes the licensee to  
28 prescribe and administer prescription drugs and medical devices that are on the  
29 formulary approved by the Alaska Naturopathic Council under AS 08.45.054.

30                   (c) An endorsement issued under (a) of this section is valid for two years  
31 unless revoked or suspended by the department.

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(d) The department may not renew an endorsement issued under (a) of this section unless the licensee submits proof satisfactory to the department that the licensee has completed at least 15 hours of pharmaceutical education in each of the past two years.

\* **Sec. 5.** AS 08.45 is amended by adding a new section to read:

**Sec. 08.45.110. Fees.** The department shall set fees under AS 08.01.065 for each of the following:

- (1) a license issued under this chapter;
- (2) a temporary license issued under this chapter;
- (3) renewal of a license issued under this chapter;
- (4) a prescription endorsement issued under this chapter.

\* **Sec. 6.** AS 08.45.200 is amended by adding a new paragraph to read:

(4) "minor surgery"

(A) means the use of

(i) operative, electrical, or other methods for surgical repair and care incidental to superficial lacerations and abrasions or superficial lesions and the removal of foreign bodies located in superficial tissues; and

(ii) antiseptics and local anesthetics in connection with methods authorized under (A) of this paragraph;

(B) does not include use of general or spinal anesthetics, surgery of the body cavities, or specialized surgery, such as plastic surgery, surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or blood vessels;

\* **Sec. 7.** AS 08.64.101 is amended to read:

**Sec. 08.64.101. Duties.** The board shall

- (1) examine and issue licenses to applicants;
- (2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;
- (3) after a hearing, impose disciplinary sanctions on persons who

1 violate this chapter or the regulations or orders of the board;

2 (4) adopt regulations ensuring that renewal of licenses is contingent  
3 upon proof of continued competency on the part of the licensee; [AND]

4 (5) under regulations adopted by the board, contract with private  
5 professional organizations to establish an impaired medical professionals program to  
6 identify, confront, evaluate, and treat persons licensed under this chapter who abuse  
7 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;  
8 and

9 (6) nominate licensed physicians for appointment to the Alaska  
10 Naturopathic Council established under AS 08.45.052.

11 \* Sec. 8. AS 08.80.030(b) is amended to read:

12 (b) In order to fulfill its responsibilities, the board has the powers necessary  
13 for implementation and enforcement of this chapter, including the power to

14 (1) elect a president and secretary from its membership and adopt rules  
15 for the conduct of its business;

16 (2) license by examination or by license transfer the applicants who are  
17 qualified to engage in the practice of pharmacy;

18 (3) assist the department in inspections and investigations for  
19 violations of this chapter, or of any other state or federal statute relating to the practice  
20 of pharmacy;

21 (4) adopt regulations to carry out the purposes of this chapter;

22 (5) establish and enforce compliance with professional standards and  
23 rules of conduct for pharmacists engaged in the practice of pharmacy;

24 (6) determine standards for recognition and approval of degree  
25 programs of schools and colleges of pharmacy whose graduates shall be eligible for  
26 licensure in this state, including the specification and enforcement of requirements for  
27 practical training, including internships;

28 (7) establish for pharmacists and pharmacies minimum specifications  
29 for the physical facilities, technical equipment, personnel, and procedures for the  
30 storage, compounding, and dispensing of drugs or related devices, and for the  
31 monitoring of drug therapy;

1 (8) enforce the provisions of this chapter relating to the conduct or  
2 competence of pharmacists practicing in the state, and the suspension, revocation, or  
3 restriction of licenses to engage in the practice of pharmacy;

4 (9) licensc and regulate the training, qualifications, and employment of  
5 pharmacy interns and pharmacy technicians;

6 (10) issue licenses to persons engaged in the manufacture and  
7 distribution of drugs and related devices;

8 (11) nominate licensed pharmacists for appointment to the Alaska  
9 Naturopathic Council established under AS 08.45.052.

10 \* Sec. 9. AS 08.80.400 is amended to read:

11 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the  
12 practice of medicine by a licensed medical doctor and does not limit a licensed  
13 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,  
14 dentist, veterinarian, dispensing optician, naturopath, or optometrist in supplying a  
15 patient with any medicinal preparation or article within the scope of the person's  
16 license.

17 \* Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and  
20 Economic Development may proceed to adopt regulations necessary to implement the  
21 changes made by this Act. The regulations take effect under AS 44.62 (Administrative  
22 Procedure Act), but not before the effective date of sec. 13 of this Act.

23 \* Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to  
24 read:

25 **TRANSITIONAL PROVISIONS.** Notwithstanding AS 08.45.052, as enacted in sec. 4  
26 of this Act, the terms of the first members of the Alaska Naturopathic Council appointed by  
27 the governor are as follows: (1) the licensed physician member, one licensed naturopath  
28 member, and one public member shall be appointed for two-year terms; (2) the licensed  
29 pharmacist member and one licensed naturopath member shall be appointed for three-year  
30 terms; and (3) one licensed naturopath member and one public member shall be appointed for  
31 a one-year term. The department shall specify the term of office of each licensed naturopath

1 and public member appointed subject to this subsection.

2 \* Sec. 12. Section 10 of this Act takes effect immediately under AS 01.10.070(c).

3 \* Sec. 13. Except as provided in sec. 12 of this Act, this Act takes effect July 1, 2009.