



# LAWS OF ALASKA

2008

**Source**

CSSB 149(L&C)

**Chapter No.**

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**AN ACT**

Relating to redistribution of used eyeglasses and to the Board of Dispensing Opticians.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to redistribution of used eyeglasses and to the Board of Dispensing Opticians.

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

4 **Sec. 08.71.055. Powers and duties.** The **department** [BOARD] shall have the  
5 following 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 **department** [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;

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 is not liable for distributing  
29 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.