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IS 12/11/07

P.L. 2005, CHAPTER 262, *approved January 4, 2006*  
Assembly, No. 3945

1 **AN ACT** concerning dispensing of contact lenses, and amending and  
2 supplementing various parts of statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. R.S.45:12-19 is amended to read as follows:

8 a. No person, not a holder of a certificate of registration duly  
9 issued to him, shall practice optometry within the State, and no person  
10 shall falsely personate a registered optometrist of a like or different  
11 name, nor buy, sell or fraudulently obtain a certificate issued to  
12 another. No person shall directly or indirectly for himself or others do  
13 or engage in any acts or practices specifically prohibited to duly  
14 registered optometrists by the provisions of section 45:12-11 of this  
15 chapter.

16 b. No person shall peddle spectacles, eyeglasses or lenses or  
17 practice optometry from house to house or on the streets or highways  
18 notwithstanding any law providing for the licensing of peddlers. This  
19 shall not prohibit, however, an optometrist from attending,  
20 prescribing, and furnishing spectacles, eyeglasses or lenses to a person  
21 who by reason of an illness, or physical or mental infirmity is confined  
22 to his place of abode, or to a hospital or other institution. For the  
23 purposes of this section, "lenses" shall include contact lenses without  
24 power, sometimes referred to as "plano" lenses.

25 (cf: P.L.1954, c.227, s.5)

26

27 2. Section 2 of P.L.1991, c.447 (C.52:17B-41.26) is amended to  
28 read as follows:

29 2. As used in this act:

30 a. "Practice of contact lens dispensing" means the sale or delivery  
31 of contact lenses to the patient based upon the prescription of powers  
32 for vision and specifications for contact lenses for the patient as  
33 provided by a licensed physician or optometrist. The practice  
34 includes, but is not limited to, the analysis and interpretation of  
35 prescriptions and specifications for contact lenses; the preparation of  
36 orders and the grinding for fabrication of contact lenses; the  
37 instruction of the patient as to the proper insertion, removal, care and  
38 the use of the contact lenses; and the duplication, reproduction and  
39 replacement of previously prepared contact lenses. For the purposes

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 of this act, "contact lenses" shall include contact lenses without power,  
2 sometimes referred to as "plano" lenses.

3 b. "Prescription" means written instructions or orders from a  
4 licensed physician or optometrist stating the powers of vision of a  
5 person.

6 c. "Duplication" means the replacement or reproduction of contact  
7 lenses based upon a prescription or specifications of record.

8 (cf: P.L.1991, c.447, s.2)

9

10 3. (New section) a. No person shall dispense contact lenses in this  
11 State unless he is a licensed ophthalmic dispenser or person licensed  
12 to practice medicine or optometry in this State. For the purposes of  
13 this act, "contact lenses" shall include contact lenses without power,  
14 sometimes referred to as "plano" lenses.

15 b. Any person who dispenses contact lenses in violation of the  
16 provisions of this section is guilty of a crime in the fourth degree,  
17 provided, however, that the court shall:

18 (1) impose a fine of not less than \$1,000 for a first offense;

19 (2) impose a fine of not less than \$5,000 and require the  
20 performance of 40 hours of community service for a second offense;  
21 and

22 (3) impose a fine of not less than \$10,000 and require the  
23 performance of 100 hours of community service for a third and each  
24 subsequent offense.

25 c. Upon conviction of a person under this section, the court shall  
26 authorize the appropriate law enforcement agency or officer to seize  
27 and destroy all contact lenses held or owned by, or under the control  
28 of, the convicted person, with the exception of any contact lenses  
29 which have been prescribed for his personal use and dispensed by a  
30 licensed ophthalmic dispenser or person licensed to practice medicine  
31 or optometry in this State.

32 d. Notwithstanding any other provision of law to the contrary, half  
33 of the fines imposed and collected under authority of law for any  
34 violation of this section shall be forwarded by the judge to whom the  
35 same have been paid to the financial officer of the county or  
36 municipality, as designated by the governing body of the respective  
37 county or municipality, for all violations occurring within their  
38 jurisdictions, provided the complaining witness was a law enforcement  
39 officer or other official of the county or municipality.

40

41 4. This act shall take effect on the first day of the third month after  
42 enactment.

43

44

#### STATEMENT

45

46 This bill would prohibit the dispensing of contact lenses without

1 proper licensure. Under current law, licensure as an ophthalmic  
2 dispenser, ophthalmologist, or optometrist is required to dispense  
3 contact lenses. However, the law does not address the enforcement  
4 of this important health and safety provision. As a result, oversight  
5 responsibility falls to the boards of these professions, which lack the  
6 true authority, manpower and expertise to effectively enforce the law.  
7 This bill would move the enforcement responsibility to more  
8 appropriate law enforcement agencies and officers by making  
9 violations crimes in the fourth degree.

10 In addition, the bill specifies that the prohibition against dispensing  
11 contact lenses also applies to "plano" lenses, or those without power.  
12 This is vital to guarantee that the contacts are new, safe, undamaged,  
13 and sterile. It also serves to ensure that consumers receive proper  
14 instructions on how to care for the lenses in order to prevent corneal  
15 ulcers, serious infections, and other eye maladies.

16 Crimes in the fourth degree are punishable by up to 18 months in  
17 prison, a fine of up to \$10,000, or both. The bill, however, specifies  
18 that the minimum fine would be:

19 C \$1,000 for a first offense;

20 C \$5,000 for a second offense; and

21 C \$10,000 for a third and each subsequent offense.

22 The bill further specifies that offenders convicted of a second offense  
23 would be required to perform 40 hours of community service and  
24 those convicted of a third or subsequent offense would have to  
25 perform 100 hours.

26 The bill would also require the seizure and destruction all contact  
27 lenses held by the convicted person, with the exception of any contact  
28 lenses which have been prescribed for his personal use and dispensed  
29 by a licensed ophthalmic dispenser or person licensed to practice  
30 medicine or optometry in this State.

31 Finally, the bill specifies that half of the fines imposed and collected  
32 for violations would be forwarded to the financial officer of the county  
33 or municipality in which the violations occurred, provided the  
34 complaining witness was a law enforcement officer or other official of  
35 that county or municipality.

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39

40 Prohibits dispensing contact lenses without proper licensure.

# ASSEMBLY, No. 3945

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 2, 2005

**Sponsored by:**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

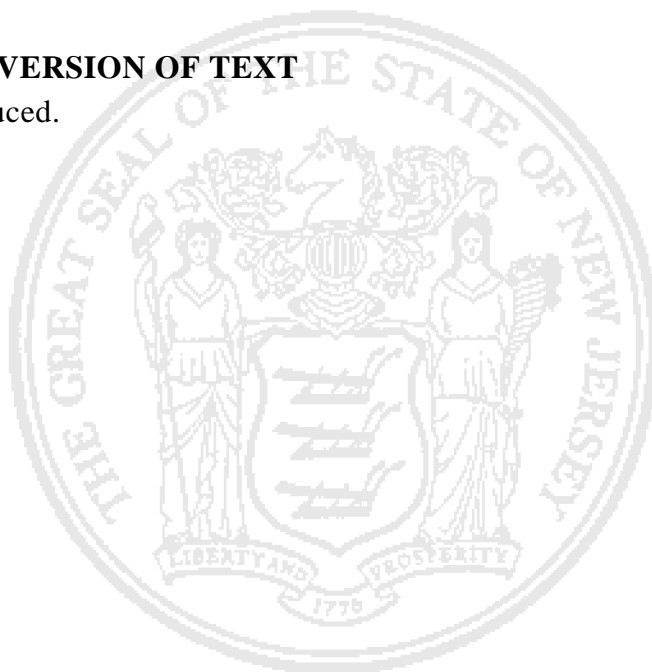
**Assemblywoman Previte, Senators Buono, Doria and Gill**

**SYNOPSIS**

Prohibits dispensing contact lenses without proper licensure.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning dispensing of contact lenses, and amending and  
2 supplementing various parts of statutory law.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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8 a. No person, not a holder of a certificate of registration duly  
9 issued to him, shall practice optometry within the State, and no person  
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11 name, nor buy, sell or fraudulently obtain a certificate issued to  
12 another. No person shall directly or indirectly for himself or others do  
13 or engage in any acts or practices specifically prohibited to duly  
14 registered optometrists by the provisions of section 45:12-11 of this  
15 chapter.

16 b. No person shall peddle spectacles, eyeglasses or lenses or  
17 practice optometry from house to house or on the streets or highways  
18 notwithstanding any law providing for the licensing of peddlers. This  
19 shall not prohibit, however, an optometrist from attending,  
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22 to his place of abode, or to a hospital or other institution. For the  
23 purposes of this section, "lenses" shall include contact lenses without  
24 power, sometimes referred to as "plano" lenses.

25 (cf: P.L.1954, c.227, s.5)

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27 2. Section 2 of P.L.1991, c.447 (C.52:17B-41.26) is amended to  
28 read as follows:

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**Matter underlined thus is new matter.**

1 person.

2 c. "Duplication" means the replacement or reproduction of contact  
3 lenses based upon a prescription or specifications of record.

4 (cf: P.L.1991, c.447, s.2)

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6 3. (New section) a. No person shall dispense contact lenses in this  
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9 this act, "contact lenses" shall include contact lenses without power,  
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11 b. Any person who dispenses contact lenses in violation of the  
12 provisions of this section is guilty of a crime in the fourth degree,  
13 provided, however, that the court shall:

14 (1) impose a fine of not less than \$1,000 for a first offense;

15 (2) impose a fine of not less than \$5,000 and require the  
16 performance of 40 hours of community service for a second offense;  
17 and

18 (3) impose a fine of not less than \$10,000 and require the  
19 performance of 100 hours of community service for a third and each  
20 subsequent offense.

21 c. Upon conviction of a person under this section, the court shall  
22 authorize the appropriate law enforcement agency or officer to seize  
23 and destroy all contact lenses held or owned by, or under the control  
24 of, the convicted person, with the exception of any contact lenses  
25 which have been prescribed for his personal use and dispensed by a  
26 licensed ophthalmic dispenser or person licensed to practice medicine  
27 or optometry in this State.

28 d. Notwithstanding any other provision of law to the contrary, half  
29 of the fines imposed and collected under authority of law for any  
30 violation of this section shall be forwarded by the judge to whom the  
31 same have been paid to the financial officer of the county or  
32 municipality, as designated by the governing body of the respective  
33 county or municipality, for all violations occurring within their  
34 jurisdictions, provided the complaining witness was a law enforcement  
35 officer or other official of the county or municipality.

36

37 4. This act shall take effect on the first day of the third month after  
38 enactment.

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41

#### STATEMENT

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43 This bill would prohibit the dispensing of contact lenses without  
44 proper licensure. Under current law, licensure as an ophthalmic  
45 dispenser, ophthalmologist, or optometrist is required to dispense  
46 contact lenses. However, the law does not address the enforcement



1 of this important health and safety provision. As a result, oversight  
2 responsibility falls to the boards of these professions, which lack the  
3 true authority, manpower and expertise to effectively enforce the law.  
4 This bill would move the enforcement responsibility to more  
5 appropriate law enforcement agencies and officers by making  
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7 In addition, the bill specifies that the prohibition against dispensing  
8 contact lenses also applies to "plano" lenses, or those without power.  
9 This is vital to guarantee that the contacts are new, safe, undamaged,  
10 and sterile. It also serves to ensure that consumers receive proper  
11 instructions on how to care for the lenses in order to prevent corneal  
12 ulcers, serious infections, and other eye maladies.

13 Crimes in the fourth degree are punishable by up to 18 months in  
14 prison, a fine of up to \$10,000, or both. The bill, however, specifies  
15 that the minimum fine would be:

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- 17 C \$5,000 for a second offense; and
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19 The bill further specifies that offenders convicted of a second offense  
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23 The bill would also require the seizure and destruction all contact  
24 lenses held by the convicted person, with the exception of any contact  
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26 by a licensed ophthalmic dispenser or person licensed to practice  
27 medicine or optometry in this State.

28 Finally, the bill specifies that half of the fines imposed and collected  
29 for violations would be forwarded to the financial officer of the county  
30 or municipality in which the violations occurred, provided the  
31 complaining witness was a law enforcement officer or other official of  
32 that county or municipality.

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3945

# STATE OF NEW JERSEY

DATED: MAY 12, 2005

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 3945.

Assembly Bill No. 3945 prohibits the dispensing of contact lenses without proper licensure. Under current law, licensure as an ophthalmic dispenser, ophthalmologist, or optometrist is required to dispense contact lenses. However, the law does not address the enforcement of this important health and safety provision. As a result, oversight responsibility falls to the boards of these professions, which lack the true authority, manpower and expertise to effectively enforce the law. This bill moves the enforcement responsibility to more appropriate law enforcement agencies and officers by making a violation a crime of the fourth degree.

In addition, the bill specifies that the prohibition against dispensing contact lenses also applies to "plano" lenses, or those without power. This is vital to guarantee that the contacts are new, safe, undamaged, and sterile. It also serves to ensure that consumers receive proper instructions on how to care for the lenses in order to prevent corneal ulcers, serious infections, and other eye maladies.

Crimes in the fourth degree are punishable by up to 18 months in prison, a fine of up to \$10,000, or both. The bill, however, specifies that the minimum fine is:

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Finally, the bill specifies that half of the fines imposed and collected for violations must be forwarded to the financial officer of the county or municipality in which the violations occurred, provided the complaining witness was a law enforcement officer or other official of that county or municipality.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3945

# STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Senate Commerce Committee reports favorably Assembly Bill No. 3945.

This bill prohibits the dispensing of contact lenses without proper licensure. Under current law, licensure as an ophthalmic dispenser, ophthalmologist, or optometrist is required to dispense contact lenses. However, effective enforcement by the respective licensing boards of these professions is difficult. This bill moves the enforcement responsibility to enforcement agencies and officers by making such violations a crime of the fourth degree.

In addition, the bill specifies that the prohibition against dispensing contact lenses also applies to "plano" lenses, or those without power. This is vital to guarantee that the contacts are new, safe, undamaged, and sterile. It also serves to ensure that consumers receive proper instructions on how to care for the lenses in order to prevent corneal ulcers, serious infections, and other eye maladies.

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Finally, the bill specifies that half of the fines imposed and collected for violations must be forwarded to the financial officer of the county or municipality in which the violations occurred, provided the complaining witness was a law enforcement officer or other official of that county or municipality.

# SENATE, No. 2681

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 20, 2005

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Senator Gill**

**SYNOPSIS**

Prohibits dispensing contact lenses without proper licensure.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

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2 supplementing various parts of statutory law.

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STATEMENT

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31 complaining witness was a law enforcement officer or other official of  
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# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 2681

# STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Senate Commerce Committee reports favorably Senate Bill No. 2681.

This bill prohibits the dispensing of contact lenses without proper licensure. Under current law, licensure as an ophthalmic dispenser, ophthalmologist, or optometrist is required to dispense contact lenses. However, effective enforcement by the respective licensing boards of these professions is difficult. This bill would move the enforcement responsibility to law enforcement agencies and officers by making such violations crimes in the fourth degree.

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