

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 149

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CONTACT LENSES; AMENDING SECTION 54-1525, IDAHO CODE, TO PROHIBIT CERTAIN ACTS BY MANUFACTURERS AND DISTRIBUTORS OF CONTACT LENSES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1525, Idaho Code, be, and the same is hereby amended to read as follows:

54-1525. ~~REFERRALS BY OPTICAL FIRMS~~ CERTAIN ACTS PROHIBITED. (1) It shall be unlawful for any person engaged in the business of manufacturing, selling or dispensing any ophthalmic materials, in any manner to influence or attempt to influence any patron in the choice of an optometrist or physician for the purpose of examining, treating, dispensing or prescribing any ophthalmic materials for such patron, and it shall be unlawful for any such person in any manner to suggest or imply to any such patron that such patron consult with or be examined or treated by or procure a prescription for ophthalmic materials from any specific optometrist or physician, or one (1) or more of several specific optometrists or physicians; provided, that any such person may show or supply to any such patron a typed or printed list containing the names and addresses of all physicians in the community covered by such list who specialize in whole or in part in the care of the eyes and containing also the names and addresses of all optometrists in such community; provided, however, that such list shall not be prepared or marked so as to draw unnecessary attention to one (1) or more of the names thereon; and provided, further, that such list shall segregate and designate separately those practitioners licensed in this state to practice medicine and surgery and those licensed therein to practice optometry. The word "person," as used in this section, shall include any person, firm, corporation or association, and any employee or agent of any of the foregoing. The word "patron," as used in this section, shall include prospective as well as actual patrons or customers, and shall include also those acting for or on behalf of any such patron or prospective patron. The words "ophthalmic materials," as used in this section, shall include spectacles, eyeglasses, lenses, prisms, contact lenses, frames and mountings, and any other optical appliances or devices for visual correction.

(2) It shall be unlawful for any person engaged in the business of manufacturing or distributing prescription contact lenses:

(a) To prevent a retailer from selling or advertising contact lenses to consumers below a specified price;

(b) To otherwise limit the ability of a retailer to set prices at which contact lenses are to be offered or advertised to consumers; or

(c) To restrict options available to consumers by discriminating in the distribution of contact lenses based on either the channel of trade or

1 on whether the retailer is associated with a person or entity authorized
2 by law to prescribe contact lenses.