

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 387

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute “Department of Health and Mental Hygiene - Selling and Dispensing of Contact Lenses and Replacement Contact Lenses”; strike beginning with “modifying” in line 4 down through “prescription;” in line 5 and substitute “requiring the Department of Health and Mental Hygiene to adopt regulations that govern the selling and dispensing of certain contact lenses; prohibiting a person from knowingly selling or dispensing certain contact lenses under certain circumstances; providing that a person who violates a certain provision of law is guilty of a misdemeanor and subject to a certain fine; specifying that certain provisions of law do not limit the right of the State Board of Examiners in Optometry to regulate an optometrist who knowingly sells or dispenses certain contact lenses; providing for the construction of this Act;”; in line 5, after “clarifying” insert “a”; in line 6, strike “terms” and substitute “defined term and certain language”; in the same line, strike “Maryland Optometry Act” and substitute “selling and dispensing of contact lenses and replacement contact lenses”; and after line 6, insert:

“BY adding to

Article - Health - General

Section 24-301.1

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“Article - Health - General

24-301.1.

(Over)

(A) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT GOVERN THE SELLING AND DISPENSING OF CONTACT LENSES AND REPLACEMENT CONTACT LENSES.

(B) A PERSON MAY NOT KNOWINGLY SELL OR DISPENSE CONTACT LENSES OR REPLACEMENT CONTACT LENSES WITHOUT A VALID AND UNEXPIRED PRESCRIPTION OR REPLACEMENT CONTACT LENS PRESCRIPTION.

(C) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(D) THIS SECTION DOES NOT LIMIT THE RIGHT OF THE STATE BOARD OF EXAMINERS IN OPTOMETRY TO REGULATE AN OPTOMETRIST WHO KNOWINGLY SELLS OR DISPENSES CONTACT LENSES OR REPLACEMENT CONTACT LENSES WITHOUT A VALID AND UNEXPIRED PRESCRIPTION OR REPLACEMENT CONTACT LENS PRESCRIPTION.”.

AMENDMENT NO. 3

On page 2, in line 7, after “eyeglasses” insert “, LENSES,”; and in lines 10, 11, and 13, in each instance, strike “CONTACT”.

On page 4, in line 9, strike “CONTACT LENS”.

AMENDMENT NO. 4

On page 4, in line 28, strike the brackets; in the same line, strike “SELLING”; and in line 29, after “unexpired” insert “PRESCRIPTION OR”.

AMENDMENT NO. 5

On page 5, in line 1, after “That” insert “the provisions of this Act may not be construed to affect, alter, or modify in any way, the decision in, or results of, Board of Examiners in Optometry, et al v. Richard Spitz, Jr., 300 Md. 466 (1984).”

SECTION 3. AND BE IT FURTHER ENACTED, That”.