

HOUSE BILL No. 5377

November 1, 2001, Introduced by Reps. Woronchak, Neumann, Jacobs, Ehardt and Vander Veen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 186. CONTACT LENS PROVIDERS

2 SEC. 18601. (1) AS USED IN THIS PART:

3 (A) "BUSINESS DAY" MEANS A DAY OF THE YEAR EXCLUSIVE OF A
4 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

5 (B) "CONTACT LENS PRESCRIPTION" MEANS A WRITTEN, SIGNED, AND
6 DATED ORDER, AS DESCRIBED IN SECTION 18605, BY A PHYSICIAN OR
7 OPTOMETRIST DESCRIBING OPTICAL AND PHYSICAL CHARACTERISTICS OF
8 CONTACT LENSES TO BE DISPENSED.

9 (C) "CONTACT LENS PROVIDER" MEANS A PERSON, WHETHER LOCATED
10 WITHIN OR OUTSIDE OF MICHIGAN, WHO DISPENSES, SELLS, OR PROVIDES
11 CONTACT LENSES TO A MICHIGAN RESIDENT.

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1 (D) "PHYSICIAN OR OPTOMETRIST" MEANS A PHYSICIAN WHO
2 SPECIALIZES IN OPHTHALMOLOGY AND IS LICENSED BY THE MICHIGAN
3 BOARD OF MEDICINE OR THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE
4 AND SURGERY OR AN OPTOMETRIST LICENSED BY THE STATE OF MICHIGAN
5 BOARD OF OPTOMETRY.

6 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
7 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
8 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
9 DEFINITIONS APPLICABLE TO THIS PART.

10 SEC. 18603. (1) EXCEPT AS OTHERWISE PROVIDED IN
11 SUBSECTION (2), A CONTACT LENS PROVIDER SHALL NOT DISPENSE, SELL,
12 OR PROVIDE CONTACT LENSES TO A STATE RESIDENT UNLESS THE CONTACT
13 LENS PROVIDER REGISTERS WITH THE DEPARTMENT ON A FORM PRESCRIBED
14 BY THE DEPARTMENT. THE REGISTRATION FORM SHALL CONTAIN ALL OF
15 THE FOLLOWING:

16 (A) THE NAME OF THE CONTACT LENS PROVIDER.

17 (B) THE PRINCIPAL ADDRESS OF THE CONTACT LENS PROVIDER AND
18 THE ADDRESS OF ALL OTHER OFFICES OF THE CONTACT LENS PROVIDER IN
19 THIS STATE. IF THE CONTACT LENS PROVIDER DOES NOT MAINTAIN A
20 PRINCIPAL OFFICE IN THIS STATE, THE REGISTRATION FORM SHALL CON-
21 TAIN THE NAME AND ADDRESS OF THE PERSON HAVING CUSTODY OF ITS
22 RECORDS.

23 (C) THE TELEPHONE NUMBER OF THE CONTACT LENS PROVIDER.

24 (D) IF THE CONTACT LENS PROVIDER IS NOT LOCATED IN THIS
25 STATE, THE NAME OF A RESIDENT AGENT IN THIS STATE FOR ACCEPTANCE
26 OF SERVICE OF PROCESS.

1 (E) A DECLARATION THAT THE CONTACT LENS PROVIDER WILL COMPLY
2 WITH ALL APPLICABLE LAWS AND REGULATIONS IN THE CONDUCT OF ITS
3 BUSINESS IN MICHIGAN.

4 (2) A PHYSICIAN OR OPTOMETRIST IS NOT REQUIRED TO REGISTER
5 UNDER SUBSECTION (1) UNTIL HIS OR HER NEXT LICENSE RENEWAL DATE
6 THAT IMMEDIATELY FOLLOWS THE EFFECTIVE DATE OF THIS SECTION.

7 (3) THE DEPARTMENT SHALL REGISTER A CONTACT LENS PROVIDER
8 UPON PROPER APPLICATION UNDER SUBSECTION (1) AND PAYMENT OF A
9 \$20.00 FEE.

10 (4) A CONTACT LENS PROVIDER REGISTRATION SHALL BE RENEWED
11 EVERY 2 YEARS UPON APPLICATION TO THE DEPARTMENT AND PAYMENT OF A
12 \$30.00 RENEWAL FEE.

13 (5) THIS SECTION DOES NOT APPLY TO A PHARMACIST LICENSED
14 UNDER THIS ARTICLE.

15 Enacting section 1. This amendatory act does not take
16 effect unless all of the following bills of the 91st Legislature
17 are enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. 5379 (request
19 no. 00773'01 *).

20 (b) Senate Bill No. ____ or House Bill No. 5378 (request
21 no. 04264'01).

22 (c) Senate Bill No. ____ or House Bill No. 5376 (request
23 no. 04265'01).