

## AN ACT

To amend sections 4725.40 and 4725.51 and to enact section 4725.411 of the Revised Code regarding licensed spectacle dispensing opticians.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4725.40 and 4725.51 be amended and section 4725.411 of the Revised Code be enacted to read as follows:

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the Ohio optical dispensers board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical

aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections 4725.47 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Sec. 4725.411. Beginning January 1, 2016, a licensed spectacle dispensing optician may dispense prepackaged soft contact lenses if the only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription.

Sec. 4725.51. (A) Each license issued under sections 4725.40 to 4725.59 of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the Ohio optical dispensers board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule ~~and~~. In addition, the application shall contain evidence that the applicant has completed a continuing education

~~program~~ within the immediately preceding one-year period as follows:

(1) Licensed spectacle dispensing opticians shall have pursued ~~four hours~~ both of study in spectacle dispensing the following, approved by the board:

(a) Four hours of study in spectacle dispensing;

(b) Two hours of study in the form of contact lens dispensing described in section 4725.411 of the Revised Code.

(2) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.

(3) Licensed spectacle-contact lens dispensing opticians shall have pursued ~~courses both of study under divisions (A)(1) and (2) of this section~~ the following, approved by the board:

(a) Four hours of study in spectacle dispensing;

(b) Eight hours of study in contact lens dispensing.

(4) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section 4725.48 of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

SECTION 2. That existing sections 4725.40 and 4725.51 of the Revised Code are hereby repealed.

*William Steubler*

Speaker \_\_\_\_\_ of the House of Representatives.

*Justin Fisher*

President \_\_\_\_\_ of the Senate.

Passed December 17, 2014

Approved DEC. 19, 2014

*John Kasich*

Governor.



The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

*Mary C. Flanders*

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
22 day of December, A. D. 2014.

*Jan Hoot*

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*Secretary of State.*

File No. 167

Effective Date March 27, 2015

File No. 167

(130th General Assembly)  
(Substitute House Bill Number 258)

**AN ACT**

To amend sections 4725.40 and 4725.51 and to enact section 4725.411 of the Revised Code regarding licensed spectacle dispensing opticians.

*Introduced by*

Representative Gonzales

Cosponsors: Representatives Becker, Grossman, Hood, Retherford, Roegner, Wachtmann, Brown, Schuring, Amstutz, Anielski, Antonio, Beck, Burkley, Damschroder, Duffey, Hackett, Reece, Sears Speaker Batchelder  
Senator Lehner

*Passed by the House of Representatives,*


November 6, 2013

*Passed by the Senate,*

December 11, 2014

*Filed in the office of the Secretary of State at  
Columbus, Ohio, on the*

22 day of December, A. D. 2014

  
Secretary of State.

*Concurred in  
Senate amendments  
December 17, 2014.*