

Amendment No. 401

Senate Amendment to Senate Bill No. 106	(BDR 54-543)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/EWR



Date: 4/19/2023

S.B. No. 106—Revises provisions relating to ophthalmic dispensing.
(BDR 54-543)



SENATE BILL NO. 106—SENATOR SEEVERS GANSERT

PREFILED FEBRUARY 3, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to ophthalmic dispensing. (BDR 54-543)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to ophthalmic dispensing; ~~defining certain activities that constitute ophthalmic dispensing; revising provisions relating to the delivery of ophthalmic products;~~ exempting ~~ophthalmic dispensing~~ ***the sale of prescription eyewear*** to intended wearers outside this State from provisions regulating ophthalmic dispensing; ~~under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to hold a license as a dispensing optician issued by the Board of Dispensing Opticians in order to engage in the practice of ophthalmic dispensing in this State. (NRS 637.090) Existing law ~~[(1)]~~ defines “ophthalmic dispensing” as the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. ~~[(1) and (2) specifies that ophthalmic dispensing includes certain activity, including the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear.]~~ (NRS 637.022) ~~[Sections 2 and 3 of this bill define the terms “design” and “preparation and delivery of work orders,” respectively, for the purpose of clarifying the activities that constitute ophthalmic dispensing and thus require licensure as a dispensing optician. Section 5 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 in the Nevada Revised Statutes. Section 4 of this bill: (1) authorizes a dispensing optician to authorize the delivery of a product to a customer by written or electronic means; and (2) requires a dispensing optician to verify the quality of a product before delivering or authorizing the delivery of the product to an intended wearer in this State.]~~

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) **Section 6** of this bill additionally exempts from such provisions ~~[(1) the manufacturing of lenses, frames and other specially fabricated optical devices upon] the sale of~~ prescription ~~for~~ ***eyewear*** to an intended wearer located outside this State ~~[(if the or any design, manufacturing [is supervised by a licensed dispensing optician; and (2) all other ophthalmic dispensing to an intended wearer located outside this State.] or other activity in conjunction with such a sale.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** ~~[Chapter 637 of NRS is hereby amended by adding thereto the~~
2 ~~provisions set forth as sections 2, 3 and 4 of this act.]~~ (Deleted by amendment.)

3 **Sec. 2.** ~~["Design" means the fabrication and fitting of lenses into frames in~~
4 ~~accordance with a prescription, including, without limitation, a prescription for~~
5 ~~glasses or other specially fabricated optical devices.]~~ (Deleted by amendment.)

6 **Sec. 3.** ~~["Preparation and delivery of work orders" means verifying orders,~~
7 ~~including, without limitation, information relating to a prescription or~~
8 ~~instructions for fabrication, in a paper, electronic or online form or ordering~~
9 ~~system.]~~ (Deleted by amendment.)

10 **Sec. 4.** ~~[1. A dispensing optician may, by written or electronic means,~~
11 ~~authorize the delivery of a product to an intended wearer.~~

12 ~~2. Before delivering or authorizing the delivery of a product to an intended~~
13 ~~wearer located in this State, a dispensing optician shall verify the quality of the~~
14 ~~product.]~~ (Deleted by amendment.)

15 **Sec. 5.** ~~[NRS 637.020 is hereby amended to read as follows:~~
16 ~~637.020 As used in this chapter, unless the context otherwise requires, the~~
17 ~~words and terms defined in NRS 637.021 to 637.024, inclusive, and sections 2 and~~
18 ~~3 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by
19 amendment.)

20 **Sec. 6.** NRS 637.025 is hereby amended to read as follows:

21 637.025 The provisions of this chapter do not apply to:

22 1. Ophthalmic dispensing personally by a licensed physician, surgeon or
23 optometrist unless exclusively engaged in the business of filling prescriptions.

24 2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or
25 optometrist if the employee practices ophthalmic dispensing only under the direct
26 supervision of the licensed physician, surgeon or optometrist and only as an
27 assistant to the licensed physician, surgeon or optometrist.

28 3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to
29 the provisions of NRS 639.2825.

30 4. The sale of goggles, sunglasses, colored glasses or occupational protective
31 eye devices not having a refractive value, or the sale as merchandise of complete
32 ready-to-wear eyeglasses.

33 5. ~~The [manufacturing of lenses, frames and other specially fabricated~~
34 ~~optical devices upon] sale of prescription [for] eyewear to an intended wearer~~
35 ~~located outside this State [if the manufacturing is supervised by a dispensing~~
36 ~~optician licensed pursuant to this chapter. Such supervision must include,~~
37 ~~without limitation, a daily review of all] or any design, manufacturing~~
38 ~~[equipment by the dispensing optician to ensure the quality and accuracy of~~
39 ~~prescription optical devices being produced.~~

40 ~~6. Ophthalmic dispensing, except for the manufacturing of lenses, frames~~
41 ~~and other specially fabricated optical devices upon prescription, to an intended~~
42 ~~wearer located outside this State.]~~ or other activity in conjunction with such a
43 sale.

44 **Sec. 7.** ~~[Any provisions of any regulations adopted by the Board of~~
45 ~~Dispensing Opticians that conflict with any of the provisions of this act are void.~~
46 ~~The Legislative Counsel shall remove those regulations from the Nevada~~
47 ~~Administrative Code as soon as practicable after the effective date of this act.]~~
48 (Deleted by amendment.)

1 **Sec. 8.** ~~[[This act becomes effective upon passage and approval.]]~~ (Deleted by
2 amendment.)