

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.

~

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 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; 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 prescription for an intended wearer located outside



22 this State if the manufacturing is supervised by a licensed dispensing optician; and  
23 (2) all other ophthalmic dispensing to an intended wearer located outside this State.

---

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  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3     **Sec. 2.** *“Design” means the fabrication and fitting of lenses*  
4 *into frames in accordance with a prescription, including, without*  
5 *limitation, a prescription for glasses or other specially fabricated*  
6 *optical devices.*

7     **Sec. 3.** *“Preparation and delivery of work orders” means*  
8 *verifying orders, including, without limitation, information*  
9 *relating to a prescription or instructions for fabrication, in a*  
10 *paper, electronic or online form or ordering system.*

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

14     **2.** *Before delivering or authorizing the delivery of a product*  
15 *to an intended wearer located in this State, a dispensing optician*  
16 *shall verify the quality of the product.*

17     **Sec. 5.** NRS 637.020 is hereby amended to read as follows:

18     637.020 As used in this chapter, unless the context otherwise  
19 requires, the words and terms defined in NRS 637.021 to 637.024,  
20 inclusive, *and sections 2 and 3 of this act* have the meanings  
21 ascribed to them in those sections.

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

23     637.025 The provisions of this chapter do not apply to:

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

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

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

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

37     **5.** *The manufacturing of lenses, frames and other specially*  
38 *fabricated optical devices upon prescription for an intended*  
39 *wearer located outside this State if the manufacturing is*



1 *supervised by a dispensing optician licensed pursuant to this*  
2 *chapter. Such supervision must include, without limitation, a daily*  
3 *review of all manufacturing equipment by the dispensing optician*  
4 *to ensure the quality and accuracy of prescription optical devices*  
5 *being produced.*

6 *6. Ophthalmic dispensing, except for the manufacturing of*  
7 *lenses, frames and other specially fabricated optical devices upon*  
8 *prescription, to an intended wearer located outside this State.*

9 **Sec. 7.** Any provisions of any regulations adopted by the  
10 Board of Dispensing Opticians that conflict with any of the  
11 provisions of this act are void. The Legislative Counsel shall remove  
12 those regulations from the Nevada Administrative Code as soon as  
13 practicable after the effective date of this act.

14 **Sec. 8.** This act becomes effective upon passage and approval.

