**South Carolina General Assembly**

121st Session, 2015-2016

**A173, R178, S1016**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cleary, Jackson, J. Matthews, Campbell, Davis, Scott, Turner, Rankin, Alexander and McElveen

Document Path: l:\council\bills\bh\26392vr16.docx

Introduced in the Senate on January 21, 2016

Introduced in the House on April 27, 2016

Last Amended on April 21, 2016

Passed by the General Assembly on April 29, 2016

Governor's Action: May 16, 2016, Vetoed

Legislative veto action(s): Veto overridden

Summary: Eye Care Consumer Protection Law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/21/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\01-21-16.docx))

1/21/2016 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\01-21-16.docx))

4/12/2016 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2016\04-12-16.docx))

4/21/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 46](file:///h:\SJ%20Archive\2016\04-21-16.docx))

4/21/2016 Senate Read second time ([Senate Journal‑page 46](file:///h:\SJ%20Archive\2016\04-21-16.docx))

4/26/2016 Senate Read third time and sent to House ([Senate Journal‑page 21](file:///h:\SJ%20Archive\2016\04-26-16.docx))

4/26/2016 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 21](file:///h:\SJ%20Archive\2016\04-26-16.docx))

4/27/2016 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/27/2016 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/27/2016 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 64](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/28/2016 House Read second time ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Roll call Yeas‑100 Nays‑1 ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 31](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/29/2016 House Read third time and enrolled ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\04-29-16.docx))

5/11/2016 Ratified R 178

5/16/2016 Vetoed by Governor

5/18/2016 Senate Veto overridden Ayes‑39 Nays‑3 ([Senate Journal‑page 50](file:///h:\SJ%20Archive\2016\05-18-16.docx))

5/19/2016 House Veto overridden Yeas‑98 Nays‑1

5/24/2016 Effective date 05/19/16

5/24/2016 Act No. 173

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**VERSIONS OF THIS BILL**

[1/21/2016](file:///p:\pprever\2015-16\1016_20160121.docx)

[4/12/2016](file:///p:\pprever\2015-16\1016_20160412.docx)

[4/21/2016](file:///p:\pprever\2015-16\1016_20160421.docx)

[4/27/2016](file:///p:\pprever\2015-16\1016_20160427.docx)

(A173, R178, S1016)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “EYE CARE CONSUMER PROTECTION LAW” BY ADDING CHAPTER 24 TO TITLE 40 SO AS TO ESTABLISH CERTAIN REQUIREMENTS TO DISPENSE SPECTACLES OR CONTACT LENSES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Eye Care Consumer Protection Law**

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 24

Eye Care Consumer Protection

Section 40‑24‑10. For purposes of this chapter:

(1) ‘Contact lenses’ means a lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect, and includes, but is not limited to, cosmetic, therapeutic, and corrective lenses.

(2) ‘Dispense’ means the act of providing a pair of spectacles or contact lenses to a patient.

(3) ‘Eye examination’ means an assessment of all or a portion of the ocular health profile, which must include a complete written or electronic medical history, as well as an assessment of the visual status of a patient.

(4) ‘Kiosk’ means automated equipment or an automated application, which is designed to be used on a phone, computer, or Internet‑based device that can be used in person or remotely to provide refractive data or information.

(5) ‘Patient’ means a person who submits to an eye examination in this State.

(6) ‘Prescription’ means a provider’s handwritten or electronic order to correct refractive error that is based on an eye examination.

(7) ‘Provider’ means an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners.

(8) ‘Spectacles’ means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or remediate vision deficits or needs of the individual wearer and are commonly known as glasses, including spectacles that may be adjusted by the wearer to achieve different types or levels of visual correction or enhancement, and excluding over‑the‑counter spectacles not intended to correct or enhance vision or sold without consideration of the visual status of the individual using the spectacles.

(9) ‘Visual status’ means the assessment of the visual acuity, accommodation amplitudes at the discretion of the provider, and ocular alignment of the eyes in an uncorrected state and the best corrected visual acuity achievable with the aid of a spectacle or contact lens prescription; however, the assessment must not be based solely on objective refractive data or information generated by an automated testing device, including an auto refractor or other electronic refractive‑only testing device, to provide a medical diagnosis or to establish a refractive error for a patient as part of an eye examination.

Section 40‑24‑20. (A) A person in this State may not dispense spectacles or contact lenses to a patient without a valid prescription from a provider.

(B) To be valid, a prescription must contain an expiration date on spectacles or contact lenses of one year from the date of examination by the provider or a statement of the reasons why a shorter time is appropriate based on the medical needs of the patient. The prescription must take into consideration medical findings made and refractive error discovered during the eye examination. If a provider determines a patient is a suitable candidate for a prescription for contact lenses or spectacles, a provider may not thereafter refuse to issue a prescription for spectacles or contact lenses to a patient.

(C) A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by a kiosk.

(D) Violation of this section constitutes misconduct as provided for in Sections 40‑37‑110 and 40‑47‑110. A provider who violates this section is subject to the penalties authorized in Chapter 37, Title 40 or Chapter 47, Title 40, as applicable.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2016.

Vetoed by the Governor -- 5/16/2016.

Veto overridden by Senate -- 5/18/2016.

Veto overridden by House -- 5/19/2016.

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