



Ninety-Seventh Legislature - First Session - 2001
Introducer's Statement of Intent
LB 440

Chairperson: Senator Jim Jensen
Committee: Health and Human Services
Date of Hearing: January 24, 2001

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Appropriate eye care is essential to good vision and eye health. A qualified practitioner overseeing the eye care of the patient accomplishes this goal. LB 440 attempts to establish guidelines and registration requirements for out-of-state entities that sell contact lenses to Nebraska residents. This bill seeks to ensure that Nebraskans receive good care and good service.

LB 440 establishes the Mail Order Contact Lens Act. It establishes guidelines by which a mail order contact lens company located outside the state, including those providing services via the Internet, may supply lens to Nebraska residents. The bill requires the mail order contact lens providers to annually register with the Department of Health and Human Services and pay a yearly fee equivalent to the annual fee for an initial or renewal permit to operate a pharmacy in the state.

Registration shall be granted to the mail order provider upon the disclosure and certification of the following:

- 1) That is licensed or registered to dispense contacts in a state where they are located and from where they are dispensed
- 2) The location, names and titles of principal officers and person responsible for overseeing the dispensing of contacts;
- 3) That it complies with directions and requests for information from each state where it is licensed or registered;
- 4) That it respond directly and within a reasonable time to the department concerning dispensing issues;
- 5) That it maintain records of contact lenses dispensed to Nebraska residents;
- 6) That it cooperate with the department in providing information to a regulatory agency where it is licensed or registered;
- 7) That it conducts business in conformity to section 3;
- 8) That it provides a toll free telephone service for customer questions and complaints
- 9) That it provides a written warning to its clients to contact their eye care professional if problems occur.

The Department, upon the recommendation of the Board of Pharmacy, the Board of Optometry, or the Board of Medicine and Surgery, shall notify the Attorney General of any possible violations of the Mail Order Contact Lens Act. If the Attorney General has reason to believe that an out-of-state person is operating in violation of the Act, the Attorney General shall commence an action in the District Court of Lancaster County to enjoin such person from further mailing, shipping, or otherwise delivering contact lenses into Nebraska.

Principal Introducer:

_____ **Senator Dennis M. Byars**