

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 489**

As Amended by Senate Committee on  
Public Health and Welfare

**Brief\***

SB 489 would amend current law concerning the dispensing of contact lenses to Kansas residents by a person or entity not licensed to practice optometry, medicine, or surgery in the state. The bill would broaden the specific reference to dispensing contact lenses through the mail to include the use of a commercial courier or overnight or other delivery services.

**Background**

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas State Board of Healing Arts. Proponents of the bill included representatives of the Kansas State Board of Healing Arts and the Kansas Optometric Association. The Board of Healing Arts representative stated that the bill would allow the Board to carry out the legislative intent and purpose of the Patient's Contact Lens Prescription Release Act enacted in 2003 by allowing it to regulate the distribution of contact lenses not only through the United States Postal service, but also through common carriers.

Testimony also was heard from a representative of Luxoticca who took a neutral position on the bill. The representative of Luxoticca proposed an amendment to more clearly define the intent to capture only those dispensers who are mailing or using other delivery mechanisms to deliver contact lenses from out of state direct to the Kansas consumer

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

in state.

There were no opponents of the bill.

The Senate Committee amended the bill to strike the word “distributes” and insert “mails or delivers, using commercial courier or overnight or other delivery services.”

The fiscal note prepared by the Division of the Budget on the original bill indicates that the Kansas Board of Healing Arts anticipates the bill passage would require the registration of more contact lens distributors. The total number of new distributors is unknown. If the total number of distributors exceeds 1,500, the Board would require an additional FTE position to handle the registration requirements for the distributors. The cost of adding this new position would be approximately \$34,290 per year. However, if the Board registers 1,500 distributors at a fee of \$150 per distributor, the Board would collect \$225,000, which would cover the increased expenses resulting from the increased registrations. The Board of Healing Arts stated that SB 489 could be implemented within existing resources, if the registered distributors remains below 1,500 and if investigations for distributor non-compliance with the bill requirements do not increase substantially.