

CHAPTER 121

CONSUMER AND COMMERCIAL TRANSACTIONS

SENATE BILL 97-024

BY SENATORS Tebedo, Alexander, Perlmutter, Powers, and Reeves;
also REPRESENTATIVES Tool, Keller, Morrison, and Reeser.

AN ACT

CONCERNING A DECEPTIVE TRADE PRACTICE UNDER THE "COLORADO CONSUMER PROTECTION ACT"
FOR USE OF THE TITLE "OPTICIAN" BY PERSONS NOT MEETING CERTAIN QUALIFICATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 6-1-105 (1), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(ee.8) (I) CLAIMS EITHER ORALLY OR IN WRITING TO BE A "CERTIFIED OPTICIAN" OR "CERTIFIED OPTICIEN", UNLESS SUCH PERSON HOLDS A CURRENT CERTIFICATE OF COMPETENCE ISSUED BY THE AMERICAN BOARD OF OPTICIANRY. EACH CERTIFICATE SHALL BE PROMINENTLY DISPLAYED OR MAINTAINED IN SUCH PERSON'S PLACE OF BUSINESS AND MADE AVAILABLE FOR IMMEDIATE INSPECTION AND REVIEW BY ANY CONSUMER OR AGENT OF THE STATE OF COLORADO. NO PERSON MAY ASSOCIATE A SERVICE, PRODUCT, OR BUSINESS NAME WITH THE TITLE "CERTIFIED OPTICIAN" UNLESS SUCH PERSON HOLDS THE REQUIRED CERTIFICATE OF COMPETENCE. THIS PARAGRAPH (ee.8) SHALL NOT APPLY TO PERSONS AUTHORIZED UNDER ARTICLE 36 OR 40 OF TITLE 12, C.R.S., TO PRACTICE MEDICINE OR OPTOMETRY.

(II) PERFORMS OR CLAIMS ORALLY OR IN WRITING TO BE ABLE TO PERFORM THE FOLLOWING PROCEDURES, AND SUCH PERSON IS A CERTIFIED OPTICIAN:

(A) VISION THERAPY;

(B) REFRACTIONS;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(C) AUTOMATED REFRACTIONS; EXCEPT THAT A CERTIFIED OPTICIAN MAY USE AN AUTO REFRACTOR TO PROVIDE VISION SCREENINGS FOR THE SOLE PURPOSE OF DETERMINING IF THE SUBJECT OF THE SCREENING NEEDS A FURTHER EYE EXAMINATION;

(D) REFRACTOMETRY;

(E) FITTING CONTACT LENSES;

(F) KERATOMETRY OR AUTOMATED KERATOMETRY; OR

(G) ANY OTHER ACT THAT CONSTITUTES THE PRACTICE OF OPTOMETRY OR THE PRACTICE OF MEDICINE.

(III) A CERTIFIED OPTICIAN DOES NOT ENGAGE IN A DECEPTIVE TRADE PRACTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (ee.8), IF SAID OPTICIAN PERFORMS THE DESCRIBED PROCEDURES UNDER THE DIRECTION AND SUPERVISION OF A PERSON WHO HAS STATUTORY AUTHORITY UNDER TITLE 12, C.R.S., TO SUPERVISE THE WORK OF OTHERS WITHIN THE SCOPE OF HIS OR HER LICENSE.

SECTION 2. Effective date. This act shall take effect July 1, 1997.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 24, 1997