

CHAPTER 37

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 14-1099

BY REPRESENTATIVE(S) Schafer, Peniston, Ryden, Duran, Fields, Ginal, Hamner, Holbert, Hullinghorst, Joshi, Kraft-Tharp, Labuda, May, Melton, Pettersen, Primavera, Priola, Rankin, Salazar, Singer, Stephens, Vigil, Williams, Young; also SENATOR(S) Aguilar, Baumgardner, Crowder, Grantham, Guzman, Heath, Herpin, Hodge, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Rivera, Steadman, Tochtrop, Todd, Ulibarri, Zenzinger.

AN ACT**CONCERNING PRESCRIPTION DRUGS IN THE PRACTICE OF OPTOMETRY.**

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

SECTION 1. In Colorado Revised Statutes, 12-40-102, **amend** (1) (a), (1) (d) (II), and (5) (b) as follows:

12-40-102. Practice of optometry defined. (1) (a) The "practice of optometry" means the evaluation, diagnosis, prevention, or treatment of diseases, disorders, or conditions of the vision system, eyes, and adjacent and associated structures, including the use or prescription of lenses, prisms, vision therapy, vision rehabilitation, and prescription or nonprescription drugs including SCHEDULE II CONTROLLED NARCOTIC SUBSTANCES LIMITED TO HYDROCODONE COMBINATION DRUGS AND schedule III, IV, and V controlled narcotic substances for ocular disease, so long as an optometrist is practicing within the scope of his or her education as is commonly taught in accredited schools and colleges of optometry and is practicing in accordance with applicable federal and Colorado law and board rules.

(d) The "practice of optometry" does not include:

(II) The use of schedule I or II narcotics, EXCEPT FOR HYDROCODONE COMBINATION DRUGS;

(5) (b) Nothing in this section prohibits an optometrist from charging a fee for prescribing, adjusting, fitting, adapting, or dispensing DRUGS FOR OPHTHALMIC PURPOSES AND ophthalmic devices, such as contact lenses, that are classified by the

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

federal food and drug administration as a drug OR DEVICE, as long as the drug PRESCRIBED, DISPENSED, OR delivered by the ophthalmic device is not a schedule I or II controlled substance, WITH THE EXCEPTION OF HYDROCODONE COMBINATION DRUGS.

SECTION 2. In Colorado Revised Statutes, 12-42.5-118, **amend** (6) (c) as follows:

12-42.5-118. Compounding - dispensing - sale of drugs and devices - rules.
(6) (c) Nothing in this section prohibits an optometrist licensed pursuant to article 40 of this title or a physician licensed pursuant to article 36 of this title from charging a fee for prescribing, adjusting, fitting, adapting, or dispensing DRUGS FOR OPHTHALMIC PURPOSES AND ophthalmic devices, such as contact lenses, that are classified by the federal food and drug administration as a drug OR DEVICE, as long as the activity is within the scope of practice of the optometrist pursuant to article 40 of this title or the scope of practice of the physician pursuant to article 36 of this title.

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: March 14, 2014