

**ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB235**

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**Hearing Date:** Friday March 06, 2015  
**Committee On:** Health and Human Services  
**Introducer:** Howard  
**One Liner:** Adopt the Consumer Protection in Eye Care Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
Senator Sara Howard  
Dan Novak  
Kim Baxter

**Representing:**  
District 9  
Nebraska Optometric Association  
Nebraska Board of Optometry

**Opponents:**  
Aaron Dallek

**Representing:**  
Opternative and Optimized Eye Care, PC

**Neutral:**  
Steven Jacobsen

**Representing:**  
Self

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**Summary of purpose and/or changes:**

The bill was introduced on behalf of the Nebraska Optometric Association to update statutes to ensure new technology to examine ocular health has oversight from the health profession.

Section-by-section description:

Section (1): Creates the Consumer Protection in Eye Care Act

Section (2): Defines terms for purposes of this Act

Section (3): Requires a valid prescription in order to dispense contacts or glasses (excluding over the counter glasses)

Section (4): Sets out requirements relating to kiosks

Section (5): Over the counter glasses can not be greater than 3.25 diopters of uniform focus power

Section (6): Sets out procedures for violations, investigations, and civil penalties. Allows the Attorney General to file civil actions or enforce the rules at the request of the Department.

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**Explanation of amendments:**

AM751 to LB235 makes changes requested by the department and to clarify language. Redefines term, Provider, restricting it to physicians or optometrists. Clarifies time frame a prescription is valid for spectacles and for contact lenses. Clarifies complaints shall be handled under the Uniform Credentialing Act.

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Kathy Campbell, Chairperson