

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0523.01 Kristen Forrestal x4217

HOUSE BILL 14-1099

HOUSE SPONSORSHIP

Schafer, Peniston, Ryden

SENATE SPONSORSHIP

Aguilar,

House Committees
Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRESCRIPTION DRUGS IN THE PRACTICE OF OPTOMETRY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law allows an optometrist to prescribe only schedule III, IV, and V drugs. The bill allows an optometrist to continue to prescribe the current schedule III drugs, hydrocodone and hydrocodone combination drugs, when these drugs are reclassified as schedule II drugs. The bill clarifies that an optometrist may charge a fee for prescribing and dispensing drugs for ophthalmic purposes.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-40-102, **amend**

3 (1) (a), (1) (d) (II), and (5) (b) as follows:

4 **12-40-102. Practice of optometry defined.** (1) (a) The "practice
5 of optometry" means the evaluation, diagnosis, prevention, or treatment
6 of diseases, disorders, or conditions of the vision system, eyes, and
7 adjacent and associated structures, including the use or prescription of
8 lenses, prisms, vision therapy, vision rehabilitation, and prescription or
9 nonprescription drugs including **SCHEDULE II CONTROLLED NARCOTIC**
10 **SUBSTANCES LIMITED TO HYDROCODONE COMBINATION DRUGS AND**
11 schedule III, IV, and V controlled narcotic substances for ocular disease,
12 so long as an optometrist is practicing within the scope of his or
13 her education as is commonly taught in accredited schools and colleges
14 of optometry and is practicing in accordance with applicable federal and
15 Colorado law and board rules.

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

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

19 (5) (b) Nothing in this section prohibits an optometrist from
20 charging a fee for prescribing, adjusting, fitting, adapting, or dispensing
21 **DRUGS FOR OPHTHALMIC PURPOSES AND** ophthalmic devices, such as
22 contact lenses, that are classified by the federal food and drug
23 administration as a drug **OR DEVICE**, as long as the drug **PRESCRIBED,**
24 **DISPENSED, OR** delivered by the ophthalmic device is not a schedule I or
25 **II** controlled substance, **WITH THE EXCEPTION OF**
26 **COMBINATION DRUGS.**

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

3 **12-42.5-118. Compounding - dispensing - sale of drugs and**
4 **devices - rules.** (6) (c) Nothing in this section prohibits an optometrist
5 licensed pursuant to article 40 of this title or a physician licensed pursuant
6 to article 36 of this title from charging a fee for prescribing, adjusting,
7 fitting, adapting, or dispensing DRUGS FOR OPHTHALMIC PURPOSES AND
8 ophthalmic devices, such as contact lenses, that are classified by the
9 federal food and drug administration as a drug OR DEVICE, as long as the
10 activity is within the scope of practice of the optometrist pursuant to
11 article 40 of this title or the scope of practice of the physician pursuant to
12 article 36 of this title.

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