



STATE OF IDAHO

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December 27, 1989

John T. Steile, III, OD, FAAO
State of Idaho
Bureau of Occupational Licenses
Board of Optometry
STATEHOUSE MAIL

THIS CORRESPONDENCE IS A LEGAL GUIDELINE OF THE
ATTORNEY GENERAL SUBMITTED FOR YOUR GUIDANCE

Re: Legality of Retail Stores Selling Contact Lenses

Dear Mr. Steile:

I have been asked to respond to the Idaho State Board of Optometry's request for an opinion concerning the legality of retail stores such as pharmacies selling contact lenses.

Idaho Code § 54-1517 was amended in 1985 by adding the following provision specifically outlining when contact lenses may be sold or dispensed by retail outlets:

Contact lenses may be sold or dispensed in a retail outlet or other permanently established place of business with an optical department only when the prescription specifically states on its face that it is intended for contact lenses and includes the type and specifications of the contact lens being prescribed.

The legislative history of the 1985 amendment indicates that the language was added to ensure that retail outlets would not dispense contact lenses to consumers from a standard spectacle prescription written by an optometrist or ophthalmologist but not intended to be used for contact lenses. See Testimony of Bill

John T. Steile, III, OD, FAAO
December 27, 1989
Page 2

Roden on behalf of the Optometric Association, Senate Health and Welfare Committee Minutes, March 1, 1985.

As amended, Idaho Code § 54-1517 clearly spells out that retail outlets may dispense contact lenses only if presented with a prescription specifically intended for contact lenses. Without a specific prescription, contact lenses may be dispensed only by a licensed optometrist, physician or a manufacturing, dispensing or surfacing optician.

If you have any further questions regarding this matter, please do not hesitate to call.

Sincerely,

ERIC E. NELSON
Deputy Attorney General
Intergovernmental & Legislative Affairs