



Senate Fiscal Agency
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Senate Bill 853 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Health Policy

CONTENT

The bill would add Part 55A (Eye Care Consumer Protection) to the Public Health Code to regulate contact lenses and corrective spectacles (eye glasses) as medical devices for consumer protection purposes. Specifically, the bill would do the following:

- Prohibit a person other than a licensee (a licensed physician specializing in eye care or a licensed optometrist) from using certain means to make a determination about the human eye, or prescribing spectacles or contact lenses based on that determination.
- Require a valid prescription for the dispensing, giving, or selling of spectacles and contact lenses.
- Prohibit the use of certain automated testing devices to generate objective refractive data without the supervision of a licensee.
- Designate the Department of Licensing and Regulatory Affairs (LARA) as the entity responsible for the administration and enforcement of proposed Part 55A, and allow LARA to promulgate rules.
- Authorize LARA to investigate a violation of Part 55A, and require the Department to report its findings to the LARA Director.
- Authorize the Director to impose an administrative fine of up to \$1,000 or, under certain circumstances, issue a warning for a violation.
- Require the Director to advise the Attorney General if a person failed to pay an administrative fine, and allow the Attorney General to bring an action for the failure.
- At the Director's request, allow the Attorney General to file a civil action seeking an injunction or other appropriate relief to enforce Part 55A.
- Authorize a court to impose a civil fine of up to \$5,000 for each violation and order additional equitable or injunctive relief to ensure compliance.
- Allow the Attorney General to bring an action to recover the reasonable costs of the investigation from a violator.

Part 55A could be referred to as the "Eye Care Consumer Protection Law".

Proposed MCL 333.5551-333.5567

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate, but likely negative, fiscal impact on the Department of Licensing and Regulatory Affairs, and no fiscal impact on local units of government. Under the bill, LARA would be responsible for implementation, administration, and enforcement of proposed Part 55A. Other than revenue from any administrative fines received from people who violated Part 55A, existing resources would have to support any costs incurred.

Date Completed: 3-24-14

Fiscal Analyst: Josh Sefton