

CONTACT LENS CONSUMER PROTECTION ACT

AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: John Knotwell

LONG TITLE

General Description:

This bill amends the Contact Lens Consumer Protection Act.

Highlighted Provisions:

This bill:

- ▶ prohibits a contact lens manufacturer or a contact lens distributor from:
 - taking certain actions to control the price that a contact lens retailer charges or advertises for contact lenses; or
 - discriminating against a contact lens retailer under certain circumstances;
- ▶ addresses the penalty for a violation of a provision of this bill; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-16a-906, as enacted by Laws of Utah 2006, Chapter 245

ENACTS:

58-16a-905.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section **58-16a-905.1** is enacted to read:

31 **58-16a-905.1. Contact lens manufacturer or distributor -- Prohibited conduct.**

32 A contact lens manufacturer or a contact lens distributor may not:

33 (1) take any action, by agreement, unilaterally, or otherwise, that has the effect of
34 fixing or otherwise controlling the price that a contact lens retailer charges or advertises for
35 contact lenses; or

36 (2) discriminate against a contact lens retailer based on whether the contact lens
37 retailer:

38 (a) sells or advertises contact lenses for a particular price;

39 (b) operates in a particular channel of trade;

40 (c) is a person authorized by law to prescribe contact lenses; or

41 (d) is associated with a person authorized by law to prescribe contact lenses.

42 Section 2. Section **58-16a-906** is amended to read:

43 **58-16a-906. Penalties for violations.**

44 (1) [~~Knowingly~~] A person who knowingly and intentionally [violating] violates a
45 provision of Section 58-16a-904 is guilty of a class A misdemeanor.

46 (2) The attorney general may bring a civil action or seek an injunction and a civil
47 penalty against [~~a] any person[, entity, or manufacturer]~~ who violates a provision of Section
48 58-16a-904 or 58-16a-905.1.