

1 **CONTACT LENS CONSUMER PROTECTION ACT**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Deidre M. Henderson**

6 House Sponsor: John Knotwell

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Contact Lens Consumer Protection Act.

11 **Highlighted Provisions:**

12 This bill:

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

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-16a-906**, as enacted by Laws of Utah 2006, Chapter 245

26 ENACTS:

27 **58-16a-905.1**, Utah Code Annotated 1953

28

29 *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.