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

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

A contact lens manufacturer or a contact lens distributor may not:
(1) take any action, by agreement, unilaterally, or otherwise, that has the effect of fixing or otherwise controlling the price that a contact lens retailer charges or advertises for contact lenses; or
(2) discriminate against a contact lens retailer based on whether the contact lens retailer:
   (a) sells or advertises contact lenses for a particular price;
   (b) operates in a particular channel of trade;
   (c) is a person authorized by law to prescribe contact lenses; or
   (d) is associated with a person authorized by law to prescribe contact lenses.

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

58-16a-906. Penalties for violations.

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

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