

1 AN ACT concerning contact lenses.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Mail Order Contact Lens Act is amended by
5 changing Sections 5 and 30 as follows:

6 (225 ILCS 83/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Contact lens prescription" means an ~~a-written-order~~
9 ~~bearing-the-original-signature-of-a-duly-licensed-optometrist~~
10 ~~or-physician-or-an-oral-or-electronic~~ order issued directly
11 by an optometrist or physician that authorizes the dispensing
12 of contact lenses to a patient.

13 "Department" means the Department of Professional
14 Regulation.

15 "Mail-order ophthalmic provider" means an entity that
16 dispenses contact lenses through the United States Postal
17 Service or other common carrier to Illinois residents.

18 "Physician" means a person licensed to practice medicine
19 in all its branches under the Medical Practice Act of 1987.

20 (Source: P.A. 91-421, eff. 1-1-00.)

21 (225 ILCS 83/30)

22 Sec. 30. Violation; defenses; civil penalty.

23 (a) Any person who dispenses, offers to dispense, or
24 attempts to dispense contact lenses in violation of this Act
25 or its rules shall, in addition to any other penalty provided
26 by law, pay a civil penalty to the Department in an amount
27 not to exceed \$5,000 for each offense as determined by the
28 Department. The civil penalty may ~~shall~~ be assessed by the
29 Department after a hearing is held in accordance with the
30 provisions set forth in the Illinois Administrative Procedure

1 Act.

2 (a-5) A licensee shall have a complete defense to a
3 charge of violation of this Act or the Illinois Optometric
4 Practice Act, if he or she can demonstrate that the licensee
5 made a good faith attempt to comply with the provisions of
6 this Act. A licensee shall be presumed to have exercised
7 good faith if the licensee requests verification of a
8 patient's prescription and shows that the verification
9 request was confirmed or not responded to by the eye care
10 professional who issued the prescription.

11 (b) The Department may investigate all violations of
12 this Act.

13 (c) The civil penalty shall be paid within 60 days after
14 the effective date of the order imposing the civil penalty.
15 The order constitutes a judgment and may be filed and
16 execution had thereon in the same manner as any judgment from
17 any court of record.

18 (Source: P.A. 91-421, eff. 1-1-00.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.