

**2021**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
MAIL ORDER CONTACT LENS ACT**

**NEBRASKA**

Good Life. Great Mission.

---

**DEPT. OF HEALTH AND HUMAN SERVICES**

Department of Health and Human Services  
Division of Public Health  
Licensure Unit

301 Centennial Mall South, First Floor  
PO Box 94986  
Lincoln, NE 68509-4986

## STATUTE INDEX

### MAIL ORDER CONTACT LENS ACT

- 69-301. Act, how cited.
- 69-302. Terms, defined.
- 69-303. Ophthalmic provider; contact lens prescription.
- 69-304. Ophthalmic provider; registration; requirements.
- 69-305. Fees; disposition.
- 69-306. Act; enforcement.
- 69-307. Rules and regulations.

## STATUTES PERTAINING TO THE MAIL ORDER CONTACT LENS ACT

### **69-301. Act, how cited.**

Sections 69-301 to 69-307 shall be known and may be cited as the Mail Order Contact Lens Act.

**Source:** Laws 2001, LB 398, § 86.

### **69-302. Terms, defined.**

For purposes of the Mail Order Contact Lens Act:

- (1) Contact lens prescription means a written order bearing the original signature of an optometrist or physician or an oral or electromagnetic order issued by an optometrist or physician that authorizes the dispensing of contact lenses to a patient and meets the requirements of section 69-303;
- (2) Department means the Department of Health and Human Services;
- (3) Mail-order ophthalmic provider means an entity that ships, mails, or in any manner delivers dispensed contact lenses to Nebraska residents;
- (4) Optometrist means a person licensed to practice optometry pursuant to the Optometry Practice Act; and
- (5) Physician means a person licensed to practice medicine and surgery pursuant to the Medicine and Surgery Practice Act.

**Source:** Laws 2001, LB 398, § 87; Laws 2007, LB296, § 294; Laws 2007, LB463, § 1176.

### **Cross References**

- **Medicine and Surgery Practice Act**, see section 38-2001.
- **Optometry Practice Act**, see section 38-2601.

### **69-303. Ophthalmic provider; contact lens prescription.**

(1) A mail-order ophthalmic provider may dispense contact lenses in Nebraska or to a Nebraska resident if the contact lens prescription is valid. Such prescription is valid if it (a) contains the patient's name, date ordered, expiration date, instructions for use, optometrist or physician identifying information, date of patient's last examination, fabrication, and related information and (b) has not expired.

(2) Each contact lens prescription shall be valid for the duration of the prescription as indicated by the optometrist or physician or for a period of twelve months from the date of issuance, whichever period expires first. Upon expiration, an optometrist or physician may extend the prescription without further examination.

(3) An optometrist or physician shall offer the prescription to a patient following the fitting process and payment of all fees for services rendered. The patient shall mail the prescription or send a copy by facsimile or other electronic means to the mail-order ophthalmic provider.

**Source:** Laws 2001, LB 398, § 88.

### **69-304. Ophthalmic provider; registration; requirements.**

The department shall require and provide for an annual registration for all mail-order ophthalmic providers located outside of this state, including those providing services via the Internet, that dispense contact lenses to Nebraska residents. The department shall grant a mail-order ophthalmic provider's registration upon the disclosure and certification by such provider of the following:

- (1) That it is licensed or registered to dispense contact lenses in the state where the dispensing facility is located and from where the contact lenses are dispensed, if required;
- (2) The location, names, and titles of all principal corporate officers and the person who is responsible for overseeing the dispensing of contact lenses to Nebraska residents;
- (3) That it complies with directions and appropriate requests for information from the regulating agency of each state where it is licensed or registered;
- (4) That it will respond directly and within a reasonable period of time to all communications from the department concerning emergency circumstances arising from the dispensing of contact lenses to Nebraska residents;
- (5) That it maintains its records of contact lenses dispensed to Nebraska residents so that such records are readily retrievable;
- (6) That it will cooperate with the department in providing information to the regulatory agency of any state where it is licensed or registered concerning matters related to the dispensing of contact lenses to Nebraska residents;
- (7) That it conducts business in a manner that conforms to the requirements of section 69-303;
- (8) That it provides a toll-free telephone service for responding to patient questions and complaints during its regular hours of operation and agrees to (a) include the toll-free number in literature provided with mailed contact lenses and (b) refer all questions relating to eye care for the lenses prescribed back to the contact lens prescriber; and
- (9) That it provides the following, or substantially equivalent, written notification to the patient whenever contact lenses are supplied:

WARNING: IF YOU ARE HAVING ANY OF THE FOLLOWING SYMPTOMS, REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS.

**Source:** Laws 2001, LB 398, § 89.

**69-305. Fees; disposition.**

The mail-order ophthalmic provider shall pay a fee equivalent to the annual fee for an initial or renewal permit to operate a pharmacy in Nebraska as established in and at the times provided for in the Health Care Facility Licensure Act. Such fees shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund.

**Source:** Laws 2001, LB 398, § 90; Laws 2003, LB 242, § 12; Laws 2007, LB296, § 295.

**Cross References**

- **Health Care Facility Licensure Act**, see section 71-401.

**69-306. Act; enforcement.**

The department, upon the recommendation of the Board of Pharmacy, the Board of Optometry, or the Board of Medicine and Surgery, shall notify the Attorney General of any possible violations of the Mail Order Contact Lens Act. If the Attorney General has reason to believe that an out-of-state person is operating in violation of the act, the Attorney General may commence an action in the district court of Lancaster County to enjoin such person from further mailing, shipping, or otherwise delivering contact lenses into Nebraska.

**Source:** Laws 2001, LB 398, § 91.

**69-307. Rules and regulations.**

The department, upon the joint recommendation of the Board of Pharmacy, Board of Optometry, and Board of Medicine and Surgery, may adopt and promulgate rules and regulations for enforcement of the Mail Order Contact Lens Act.

**Source:** Laws 2001, LB 398, § 92.