

Honolulu, Hawaii

MAR 31 2008

RE: H.B. No. 3109

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and  
Affordable Housing, to which was referred H.B. No. 3109 entitled:

"A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS,"

begs leave to report as follows:

The purpose of this measure is to provide further protections to consumers by clarifying the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs' ability to investigate and prosecute cases involving the sale of non-corrective contact lenses.

Testimony in support of this measure was submitted by the Professional and Vocational Licensing Division (PVL), Department of Commerce and Consumer Affairs; the Regulated Industries Complaints Office (RICO), Department of Commerce and Consumer Affairs; and the Board of Examiners in Optometry.

Under the federal Food, Drug, and Cosmetic Act, the Food and Drug Administration (FDA) now regulates contact lenses, including decorative, non-corrective lenses, as medical devices instead of cosmetic devices. Despite the federal regulations on non-corrective contact lenses, RICO continues to receive reports concerning the sale of non-corrective contact lenses at swap meets and other inappropriate venues, particularly at Halloween. Your Committee finds that amending chapter 458, Hawaii Revised Statutes, relating to dispensing opticians will complement the federal law and will authorize RICO to take action in the event an

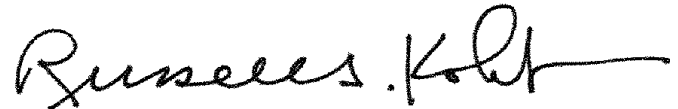


unlicensed person tries to sell decorative, non-corrective contact lenses to consumers in Hawaii.

Your Committee has amended this measure by changing its effective date from July 1, 2008, to effective upon approval.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3109, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3109, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Affordable  
Housing,



RUSSELL S. KOKUBUN, Chair



