

STAND. COM. REP. NO.

2699

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3031
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 S.B. No. 3031 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
Regulated Industries Complaints Office (RICO), Department of
Commerce and Consumer Affairs; the Professional and Vocational
Licensing Division, 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



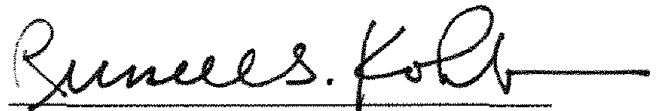
unlicensed person tries to sell decorative, non-corrective contact lenses to consumers in Hawaii.

Your Committee has amended this measure by changing the effective date of this measure from July 1, 2008 to July 1, 2050 to ensure continued discussion on this matter.

Your Committee believes that this measure, as amended, fulfills its intent to provide further protections to consumers.

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 S.B. No. 3031, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3031, 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



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Commerce, Consumer Protection and Affordable Housing
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
SB 3031	CPH	2-26-08


The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			
TANIGUCHI, BRIAN T.				✓
TRIMBLE, Gordon	✓			
TOTAL	6			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes