

**ACT 163**

**H.B. NO. 601**

**A Bill for an Act Relating to Dispensing Opticians.**  
***Be It Enacted by the Legislature of the State of Hawaii:***

SECTION 1. Section 458-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 458-13 Acts prohibited.** It shall be unlawful to do any of the following:

- (1) To engage in business of dispensing optician without first having been issued a certificate of dispensing optician under this chapter;
- (2) To advertise in any manner that would tend to mislead or deceive the public;
- (3) To furnish the services of an optometrist, physician, or surgeon or directly or indirectly employ or maintain on or near the premises used for optical dispensing any optometrist, physician or surgeon, or the practitioner of any other profession for the purpose of any examination or treatment of the eyes;
- (4) To dispense, furnish, or supply the services and appliances relating to the business of dispensing optician to the intended wearer or user thereof, except upon a prescription issued by a licensed physician, surgeon, or optometrist; provided, that duplications, replacements, reproductions, and repetitions, without change in the refractive value may be done without prescription by individuals or firms holding a certificate of dispensing optician issued under this chapter;
- (5) To fit or offer, undertake or attempt to fit contact lenses or artificial eyes except under the personal supervision of an oculist;
- (6) For a dispensing optician to grant, allow, credit or pay, directly or indirectly, openly or secretly, any price differential, rebate, refund, discount, commission, credit, kickback, or other such allowance, whether in the form of money or otherwise, to any oculist, optometrist, physician, surgeon, or practitioner of any other profession (A) for or on account of the referring or sending by any such oculist, optometrist, physician, surgeon, or practitioner to the dispensing optician of any person for the rendition of any of the services performed or articles or appliances furnished by a dispensing optician as described in section 458-1, or (B) for or on account of the rendition of any such services or the furnishing of any such articles or appliances to a person so referred or sent by any such oculist, optometrist, physician, surgeon, or practitioner. Every such scheme, agreement, undertaking, arrangement, or device shall also be deemed in violation of section 481-7. The certificate of every dispensing optician who violates this subsection shall be revoked.”

SECTION 2. Statutory material to be repealed is bracketed.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 4, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.